



JUSTICE

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CANADIAN CRIMINAL JUSTICE ASSOCIATION - ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

CONGRESS - CONGRÈS 2022



The JUSTICE REPORT contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada.

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L'ACTUALITÉS JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada.

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EDITORIAL

IRVING KULIK

CCJA Executive Director

Some of you may have noticed that the usual quarterly issue of the *Justice Report* has been missing from your mailboxes over the last couple of months. Our editor has not stopped working and articles have continued to be submitted. Unfortunately because of the now-familiar Covid delays at all levels, we also had to postpone the release of the second issue of 2022. To amend these unintended delays, you are now receiving this combined Mega Justice Report, which includes all the articles that would normally have been released over the first two issues of 2022: 37.1 and 37.2.

I trust you will find the content herein of particular interest. A number of the articles relate to challenges, including stigmatization and trauma, for correctional rehabilitation. While not typically thought about in relation to the correctional setting, trauma—both pre- and post-incarceration—plays a large part in the lived experiences of sentenced prisoners. Contributing to this, and frequently reported on over the last few years, is the role played by the physical and social isolation of institutional segregation units in further aggravating the mental health of prisoners. While not the only jurisdiction working on change, some of the progress achieved by Yukon Corrections provides a roadmap and some good reasons for optimism.

Finally, I would direct you to the International content, featuring an article about efforts in assisting Chinese community corrections and one

on the impacts of smuggling and child trafficking in the Ivory Coast. The justice systems of these countries are far different from our Canadian criminal justice system; however, there are always lessons to be learned and mutual benefit from whatever teachings we can share. What COVID has taught us at least is that borders are not impregnable. They should certainly be open for learning opportunities.

Some of the authors in this issue of the *Justice Report* will also be presenting at our World Congress in Ottawa this fall. If you have not registered, I urge you to do so soon. In the centre of this issue you will find the full Congress programme. Please note that this is an international conference, and you will have the opportunity to hear presentations from researchers and practitioners from more than 20 countries around the world. CCJA is proud to be partnering with the Confederation of European Probation, the International Corrections and Prisons Association, the American Probation and Parole Association as well as Corrections Canada and the Parole Board of Canada. This will be a must-attend event, with study tours commencing September 27 and the conference opening Thursday morning, September 29. I hope to see many of you there.

Have a safe and enjoyable summer.



ÉDITORIAL

IRVING KULIK

Directeur général de l'ACJP

Certains d'entre vous ont peut-être remarqué que le numéro trimestriel d'*Actualités justice* avait disparu de leur boîte aux lettres depuis deux mois. Notre rédactrice en chef n'a pas cessé de travailler et les articles continuaient à lui être soumis. Mais la COVID, avec son sempiternel lot de retards, nous a obligés à reporter la parution du deuxième numéro de 2022. Pour rattraper ces retards indépendants de notre volonté, nous vous envoyons aujourd'hui ce méga numéro d'*Actualités justice*, qui comprend tous les articles qui auraient normalement dû être publiés dans les deux premiers numéros de 2022 (37.1 et 37.2).

J'espère que vous trouverez le contenu de ce numéro particulièrement intéressant. Un certain nombre d'articles portent sur les défis que pose la réadaptation correctionnelle, notamment la stigmatisation et les traumatismes. Bien que l'on n'y pense généralement pas dans le contexte correctionnel, les traumatismes – avant et après l'incarcération – marquent le vécu des détenus. L'isolement physique et social des unités d'isolement institutionnel contribue à l'aggravation de la santé mentale des détenus, ce qui a été fréquemment signalé au cours des dernières années. Le Yukon n'est pas la seule administration canadienne à tenter d'opérer un changement, certains des progrès réalisés par le service correctionnel du Yukon fournissent une feuille de route, car il a enregistré des progrès encourageants. Enfin, je vous invite à consulter la section internationale. Vous y trouverez un article sur les efforts déployés afin d'aider les services

correctionnels communautaires chinois, et un autre sur les répercussions de la contrebande et du trafic des enfants en Côte d'Ivoire. Le système de justice de ces pays est très différent du système de justice pénale canadien. Toutefois, il y a toujours des leçons à tirer et des avantages mutuels à échanger au sujet de nos enseignements respectifs. Si la COVID nous a enseigné une chose, c'est bien que les frontières sont poreuses. Elles devraient donc certainement être ouvertes aux possibilités d'apprentissage.

Certains des auteurs ayant signé des articles dans le présent numéro d'*Actualités justice* prendront la parole lors de notre congrès mondial, qui aura lieu à Ottawa cet automne. Si vous n'êtes pas encore inscrit à cet événement, je vous invite à le faire rapidement. Au centre de ce numéro, vous trouverez le programme complet du congrès. Veuillez noter qu'il s'agit d'un congrès international et que vous aurez l'occasion d'entendre des chercheurs et des praticiens de plus de 20 pays. L'ACJP est fière de s'associer à la Confédération européenne de la probation, à l'International Corrections and Prisons Association, à l'American Probation and Parole Association ainsi qu'à Service correctionnel Canada et à la Commission des libérations conditionnelles du Canada. Cet événement incontournable débutera par des visites d'étude commençant le 27 septembre et l'ouverture de la conférence le jeudi matin 29 septembre. J'espère vous y voir nombreux.

Que votre été soit des plus agréables.

CCJA



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Deaf does not mean ‘dumb’: Deaf and hard of hearing federally-sentenced persons face stigma

DR. TRACEY BONE*

MSW, RSW, Associate Professor, Faculty of Social Work
University of Manitoba

Twenty-four years after identifying the inability of ‘speakers’ of American Sign Language to communicate effectively within the Canadian criminal justice system, Dr. Bone reports that little has changed. Dr. Bone points to four important reports over the past 24 years, including Human Rights of Federally-Sentenced Persons (Senate 2021), acknowledging that federally-sentenced persons who are Deaf and hard of hearing are discriminated against in terms of language. They are forced to communicate in a foreign language (English or French) which they may not know or do not have the physical ability to use. Their inability to perform well is often mistaken for a sign of intellectual deficiency, laments the author, which perpetuates the stereotypes and associated stigma being kept alive in part by the old saying, ‘deaf and dumb’. Dr. Bone is working to cull this symbolically damaging terminology from Correctional Service of Canada’s documentation and literature. Certain jurisdictions, such as Ontario (2007), have made sign language an official language but change is largely yet to materialize. While Canada ratified the UN convention on the rights of person with disabilities in 2010, it has yet to pass legislation to ensure full equality of this group’s language(s) across the justice system. Dr. Bone points out that failure to provide members of this cultural group access to correctional programs is a violation of the Canadian Charter of Rights and Freedoms and also contravenes CSC’s own regulations on service delivery under Section 27(4) of the Corrections and Conditional Release Act (CCRA).

* In this article, “the writer”, or “the author”, refers to Dr. Bone.

In a January 2022 email, a Manitoban lawyer referred to a culturally Deaf person whose first language is American Sign Language (ASL), as having ‘a deaf-dumb condition’. The client is Deaf. She is proudly part of the Deaf community and uses ASL as her first language. She expresses herself clearly through her first language and is easily understood by those who know ASL. In North America the most commonly used signed languages are American Sign Language [ASL] and Quebec Sign Language [the *Langue des signes québécoise* - LSQ], but local and Indigenous Sign Languages are also used throughout Canada.

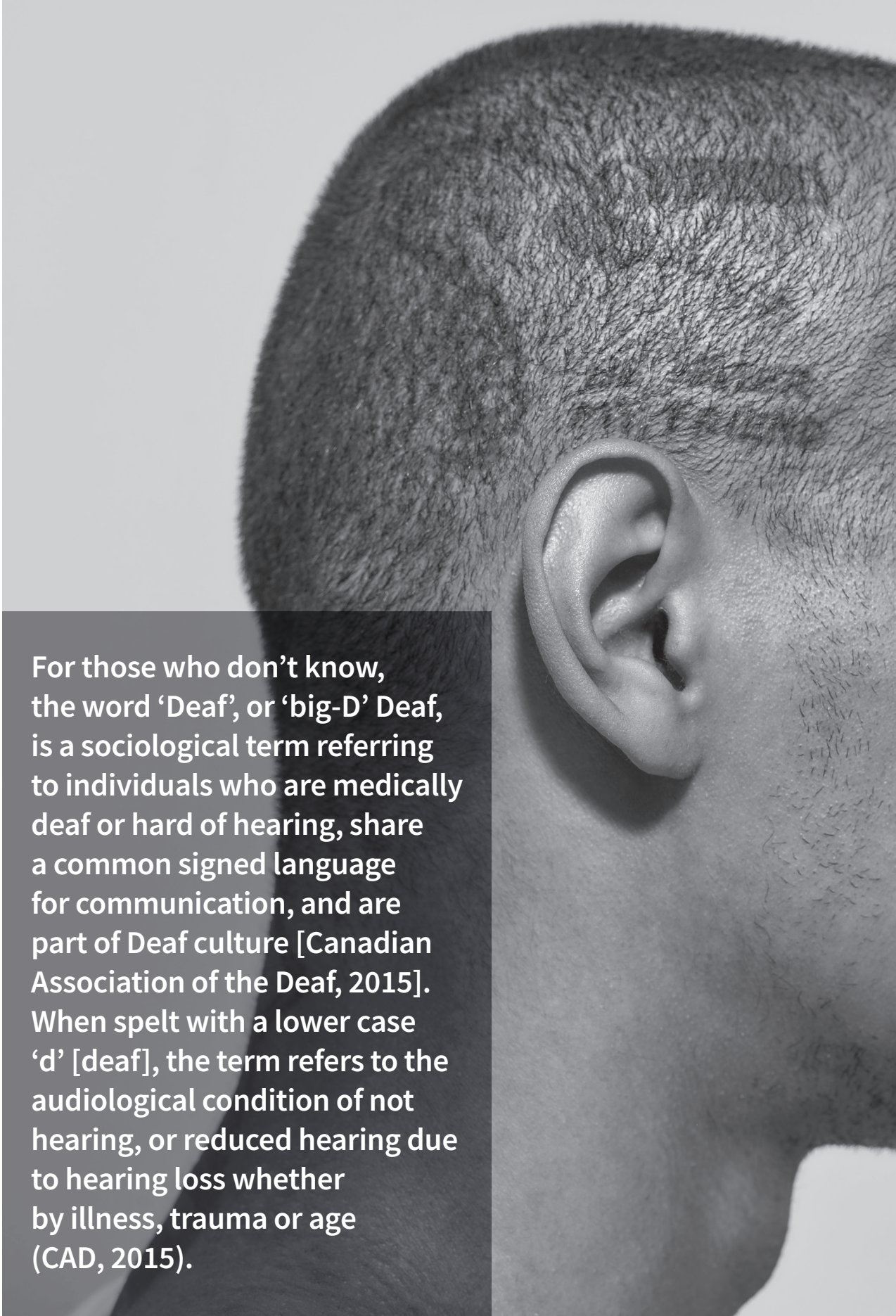
THE TERM ‘DEAF AND DUMB’ PERPETUATES STIGMA AND THE STEREOTYPING THAT CREATES IT

The term ‘deaf and dumb’—a relic from

medieval English and equally offensive as ‘a deaf-dumb condition’—continues to be used and inappropriately characterizes Deaf and hard of hearing people as ‘dumb’, a usage which originally meant “unable to speak” but evolved to include a meaning of low intelligence. Inability to communicate orally is not a marker of intelligence, and stigmatization of a culturally and linguistically diverse community must not be tolerated. That includes within our criminal justice system.

DEAF INMATES, LIKE THOSE WITH OTHER DISABILITIES, FACE CHALLENGES AND BARRIERS IN THE ADULT CRIMINAL JUSTICE SYSTEM

ASL is the primary language of many culturally Deaf offenders. Bone (1998) first reported barriers faced by Deaf and hard of hearing inmates and parolees



For those who don't know, the word 'Deaf', or 'big-D' Deaf, is a sociological term referring to individuals who are medically deaf or hard of hearing, share a common signed language for communication, and are part of Deaf culture [Canadian Association of the Deaf, 2015]. When spelt with a lower case 'd' [deaf], the term refers to the audiological condition of not hearing, or reduced hearing due to hearing loss whether by illness, trauma or age (CAD, 2015).

in her 1998 Master of Social Work thesis, *Insiders in a Deaf World; Barriers for the Deaf offender in the hearing criminal justice system*. Some 20 years later, those same issues were reported again by Russell, Chovaz & Boudreault in their 2018 report for the Canadian Association of the Deaf. It expanded on Bone's research and included interviews with a variety of professionals. All reported a common thread of Deaf people being "disenfranchised by the attitudes of those working within the system" (Russell, Chovaz & Boudreault, 2018, p. 48). Both documents reported stigma and the associated discrimination as a disempowering burden for Deaf and hard of hearing federally-sentenced persons.

Unlike spoken languages, ASL is a visual-spatial language incorporating hand movements, facial expressions, and strong emotive behaviours as fundamental components of the language (Queensland Health, 2020). ASL does share some similarities with spoken languages around the world, however. The most obvious one is that, like all official languages around the world, it has its own sentence structure, vocabulary and grammar. Those fluent in another of the world's spoken languages are not expected to have fluency in spoken English. If a person's first language is not English, spoken language interpreters are brought in to serve as the conduit between the two *different* languages.

Such is not automatically the case, however, with Deaf inmates for whom ASL is their first language. Though their right to language access is enshrined in section 15 of the Canadian Charter of Rights and Freedoms, federally-sentenced persons have reported refusal by institutional or community staff to engage a certified ASL English Interpreter. Though ASL interpreters serve as the conduit between the two languages to facilitate effective two-way communication, staff have often cited cost as the primary reason for failing to engage ASL interpreters.

STEREOTYPING AND STIGMA OF DEAF AND HARD OF HEARING PERSONS

A number of other inaccurate assumptions are made about federally-sentenced Deaf persons. The first is that all have an inherent ability to speech read (formerly referred to as lip reading). The second assumption is that all Deaf ASL users are fluent in written English. As a result, ASL English interpreters are deemed unnecessary to support effective two-way communication between Deaf ASL (signed) language users and hearing (spoken) English users. Ability to speech read is, however,

a myth. While some Deaf people are able to speech read, it is in fact a difficult skill to acquire, hampered by spoken language accents, facial hair, and now, COVID-19-related face masks. Yet staff in correctional settings continue to resist or refuse to accommodate visual-language users in the way they do spoken-language users.

When federally-sentenced Deaf persons communicate in their second language of written English, they often use a sentence structure of their first language, the grammatical structure of ASL, rather than English. Words may be spelt incorrectly because the Deaf person is relying on rote memory to spell a word or words they may not have had an opportunity to hear spoken. Assumptions are then made, incorrectly, that spelling or grammatical errors reflect a lack of intelligence.

The fact that many Deaf people are operating in a second language, and in a mode they are often not comfortable with (written versus signed language), is not considered. Such assumptions and inaccurate perceptions result, justifiably, in frustrations for the Deaf and hard of hearing federally-sentenced person and, by extension, in institutional failures to provide the necessary accommodations to ensure equitable access to correctional programming.

The 'deaf and dumb' myth debunked

"Deaf people can do anything except hear."

I. King Jordan (1988), the first Deaf President of Gallaudet University, Wash., D. C.

The Standing Senate Committee on Human Rights (SSCHR) released its Report, *Human Rights of Federally-Sentenced Persons*, in June 2021 (Senate Canada, 2021). Committee membership included the Honorable Senator Salma Ataullahjan, Chair, with The Honorable Senators Wanda Elaine Thomas Bernard and Nancy J. Hartling as Deputy Chairs. In brief, they too reported that Deaf and hard of hearing persons experience barriers to accessing and completing correctional programming, not unlike federally-sentenced persons with disabilities in general (Senate, 2021, p. 208). The SSCHR found that, although Section 27(4) of the Corrections and Conditional Release Act (CCRA) specifically requires the CSC to provide the 'services of an interpreter to those persons who do not have the ability to communicate in one of Canada's official languages

for the purpose of hearings and to facilitate the understanding of corrections-related materials provided to them', CSC was not doing so. The CSC responded by reporting that it provides ongoing training and evaluations of staff who work with Deaf and hard of hearing federally-sentenced persons. The CSC also made reference to their "Responsivity and Resource Kits", which provide "theoretical and detailed practical information on how to work with [federally-sentenced persons] with special needs..." (p. 209). It is unclear from the Senate report what specific information is included in such a Kit, or whether it includes the online training materials created by Dr. Tracey Bone through a sole-source contract with the CSC in 2016.

VIDEOS: UPDATING CSC'S EDUCATIONAL ONLINE STAFF TRAINING MATERIALS FOR DEAF AND HARD OF HEARING PERSONS SENTENCED FEDERALLY

In 2015, Dr. Bone was invited to update CSC's educational on-line staff training materials when dealing with Deaf and hard of hearing federally-sentenced persons. The initial request was simply to update text-based training materials. After reviewing existing materials, I agreed to do so. My updated written content included the deletion of outdated and offensive language, such as 'hearing impaired' and 'deaf and dumb', from their materials. More importantly, however, I proposed the creation of two distinct educational videos with the assistance of the Deaf community in Winnipeg. Though surprised by the proposal, CSC agreed.

The first was a two-part role play with a local Deaf actor in the role of a Deaf federally-sentenced inmate, wearing official inmate clothing (on loan) from Stony Mountain Institution. This training video demonstrates the communication differences between spoken English and ASL. The role play was about a Deaf inmate seeking permission for a temporary absence (TA) to visit his wife after learning she was dying of cancer. The first scenario was conducted without an ASL English interpreter, but the second one included an ASL English interpreter – to demonstrate the differences in communication when a conduit between the two modes of communication is provided.

The author, who is conversationally fluent in ASL, assumed the role of an Institutional Parole Officer. Dr. Bone, attempted to demonstrate how miscommunication can occur if both parties don't speak the same language, in this case ASL.

The role play shows a conversation beginning, rather awkwardly, between the Parole Officer and inmate, with the Parole Officer attempting to communicate in ASL. The PO is quickly overwhelmed, however, when she recognizes the sign for the word 'cancer' and realizes she lacks the skills to effectively communicate in a conversation around such an important issue. Yet the Parole Officer continues with her ineffective communication, disrespecting the federally-sentenced person's access to language. In fact, little actual communication took place. This first video is immediately followed by a second one. This one engages the services of a certified ASL – English Interpreter.

The second video successfully demonstrates effective communication when the appropriate resource(s), in this case an ASL – English Interpreter, is included as a conduit for understanding. Training resources created by Dr. Bone include a second video illustrating the importance of adequate and appropriate lighting, room and seating layout, and appropriate eye contact. The 'meeting' is a success, with the Deaf inmate being able to express himself in his first language and understand the 'Parole Officer' thanks to the skilled interpretation of an ASL-English Interpreter.

This video features a 40-minute interview by the writer with Dr. Erin Wilkinson, a Deaf Linguistics professor then at University of Manitoba who graciously answers the writer's questions, again through the assistance of an ASL-English Interpreter. Dr. Wilkinson explains in the second video that the carceral experience is different for Deaf and hard of hearing inmates than for hearing inmates. These former are highly dependent on vision to manage in the world, including within a carceral setting. They must be ever vigilant and watch for impending threats to their safety that would otherwise be detected by a hearing inmate through environmental sounds. As Deaf inmates are dependent on vision, for example, they generally prefer to sit with their backs against the wall in order to view the entire scene in front of them at once. As Dr. Wilkinson points out, they do this for safety reasons. Correctional officers have reported in the literature that this scanning behaviour can be perceived as 'suspicious'. Carceral and community-based staff must understand that many Deaf and hard of hearing individuals acquire their awareness of the world visually, not through the environmental sounds that most hearing people have access to.

The documentary 'Deaf in Prison' is a 2014 Al Jazeera exclusive. It reports on experiences of Deaf inmates in prison in the US, including that of Felix Garcia. Garcia is a Deaf inmate serving a life sentence for robbery and murder. He shares his experiences of being raped in prison, targeted by virtue of being Deaf and unable to hear approaching attackers. This illustrates Dr. Wilkinson's point about vision being Deaf inmates' primary source of safety. To facilitate a safe and accessible environment for many Deaf and hard of hearing federally-sentenced persons, correctional staff must adapt their understanding and engagement with this group.

A total of 71 recommendations were made by the Senate Committee members in the 2021 Report, *Human Rights of Federally-Sentenced Persons*. Recommendation 45 specifically focus on Deaf and hard of hearing federally-sentenced persons. Amongst the many details was the recommendation that Deaf and hard of hearing persons be "able to access correctional programming through appropriate access to relevant medical devices and reliable interpretation services" (p. 26). I would add that in addition to access to 'relevant medical devices (such as hearing aids), Deaf and hard of hearing persons must also be granted access to relevant communication devices such as Video Relay Service (VRS) in addition to certified ASL English interpreters. These must be available for all interactions with correctional staff and for all correctional programming opportunities.

CONCLUSION

Deaf and hard of hearing federally-sentenced persons experience stigma and discrimination by virtue of the intersection of ableism (defined as discrimination in favor of an able-bodied person) and audism (defined as prejudice against individuals who are Deaf or hard of hearing), resulting in negative attitudes that impede effective perception, communication, and engagement with the Deaf and hard of hearing federally-sentenced person.

Four distinct reports over the past 24 years have acknowledged that the Deaf and hard of hearing, then referred to as 'offenders' but now as 'federally-sentenced persons', experience structural and culturally insensitive communication barriers by virtue of the fact that they are sign language users and members of a little-known or understood Deaf culture and community. They experience discrimination associated with a stereotype of

lacking intelligence when force to communicate in a language (English) and mode (spoken or written) that is not their first.

Bone's 1998 master's thesis reported lack of understanding and respect for American Sign Language users throughout all aspects of the criminal justice system, from engagement with policing authorities, through the court process, and, most dramatically during incarceration. In the latter environment, Deaf and hard of hearing inmates were excluded from correctional programming because institutional authorities reported the cost of providing an ASL English interpreter to facilitate effective two-way communication was prohibitive. This group also reported feelings of isolation as they had little if any opportunity to communicate effectively with other prisoners.

Though the writer provided updated on-line training materials to the CSC in 2016 through both text and video content (Bone, 2018), the same attitudinal and environmental barriers were again cited in the Canadian Association of the Deaf-sponsored report some twenty years after my original report (Russell et al, 2018). And now the Senate's newly released 2021 Report, *Human Rights of Federally-Sentenced Persons* has again reported many of the same systemic barriers as documented in the reports noted above. What will it take for the needs of Deaf and hard of hearing federally-sentenced persons to get acknowledged? At what point do efforts and education designed to reduce the barriers and stigma experienced by Deaf and hard of hearing federally-sentenced persons actually result in change? The Deaf woman referred to in the opening sentence demands respect, as do each and every Deaf and hard of hearing federally-sentenced person involved in the criminal justice system today. ■

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RÉSUMÉ

Deaf does not mean ‘dumb’: Deaf and hard of hearing federally-sentenced persons face stigma

TRACEY BONE*

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Faculty of Social Work, University of Manitoba

*Dans cet article, le mot « auteure » désigne Mme Bone.

Même si on sait depuis 24 ans que des « locuteurs » de la langue des signes américaine n'arrivent pas à communiquer efficacement au sein du système de justice pénale canadien, Mme Bone signale que peu de choses ont changé. Elle cite quatre rapports importants publiés au cours des 24 dernières années, dont celui sur les droits fondamentaux des personnes purgeant une peine de ressort fédéral (Sénat 2021), qui souligne que les personnes sourdes et malentendantes sont victimes de discrimination sur le plan linguistique. Elles sont obligées de communiquer dans une langue étrangère (anglais ou français) qu'elles ne connaissent pas ou qu'elles n'ont pas la capacité physique d'utiliser. Leur difficulté à s'exprimer est souvent prise pour un signe de déficience intellectuelle, déplore l'auteure, ce qui perpétue les stéréotypes et les stigmates associés à ces personnes, entretenus en partie par le vieux dicton « sourd et muet ». Mme Bone s'efforce d'éliminer cette terminologie de la documentation et de la littérature du Service correctionnel du Canada (SCC), car elle est nuisible sur le plan symbolique. Certaines provinces, comme l'Ontario (2007), ont fait de la langue des signes une langue officielle, mais le changement se fait encore largement attendre. Bien que le Canada ait ratifié la *Convention des Nations Unies relative aux droits des personnes handicapées* en 2010, il n'a pas encore adopté de loi pour assurer la pleine égalité de la ou des langues de ce groupe dans le système judiciaire. Mme Bone souligne que le fait de ne pas permettre aux membres de ce groupe culturel d'accéder aux programmes correctionnels constitue une violation de la Charte canadienne des droits et libertés et contrevient également aux propres règlements du SCC sur la prestation de services en vertu de l'article 27(4) de la *Loi sur le système correctionnel et la mise en liberté sous condition* (LSCMLC).

Roberto's Journey with discrimination and stigma

ROBERTO DIAZ
INTRODUCTION BY DOUG HECKBERT

INTRODUCTION:

Impact of stigma and labelling

DOUG HECKBERT, (BA/MA)

I first met Roberto in 2019 when I interviewed him for inclusion in my book *Go Ahead and Shoot Me! And Other True Stories About Ordinary Criminals* (Durville Publications Ltd. of Calgary, AB, 2020). For confidentiality reasons, he and I agreed his name in the book would be Juanito. Since that publication, I have written other articles about him, and he has now agreed to me using his real name. The effect of stigma and labelling is discussed in Chapter 8 of Siegel and McCormick's *Criminology in Canada* (Nelson Publishing, 2020). To stigmatize is defined as an enduring label that taints a person's identity and changes them in the eyes of others (page 250). I will add that stigmatization also taints a person's self-identity, how they see themselves.

In the following pages, the reader will hear from Roberto Diaz of Edmonton, Alberta, a former drug dealer who was also under investigation for a charge of manslaughter. Roberto "sobered up, cleaned up", and went through the Edmonton Drug Treatment Court where he "learned how to be normal again". Roberto is now steadily employed as a peer support worker. In his article, Roberto takes the reader on some of his journey through childhood, crime, addiction, sobriety and reintegration. I ask the reader to notice the changes in Roberto's feelings, attitudes and behaviour as he describes the differences

between how he saw himself and how others saw him at various points through his journey. He has experienced many types of stigma as well as discrimination based on his ethnicity or immigrant status over the course of his life. Sometimes it focused on him as a person, other times on the crimes he committed.

I believe that Roberto's account on stigma can help members of the general public understand the impact of stigma, a powerful human dynamic, and the individual and social harm it causes. For those with a criminal record, although such discrimination is not mentioned by Roberto, the impact of stigma often translates into an inability to find suitable accommodation or obtain meaningful work. This adds up to social exclusion and can translate into an inability to believe in oneself no matter how far behind one has left their life of crime or even how much good one does.

Roberto is clearly succeeding in 'paying it forward', illustrating that the impacts of stigma did not prevent him from becoming a peer support worker, a crucial job in the addictions field. This is fortunate and is arguably a testament to the impact of the Drug Treatment Court program.

Roberto's Journey with discrimination and stigma (Cont'd)

ROBERTO DIAZ

As I sit here and write this piece, I have a million and one things going through my mind:

"I hope this doesn't sound stupid."

"Will I be ridiculed?"

"Will this change the way people view me?"

"No one wants to hear what I have to say."

I came into recovery July 29, 2017, and I'd like to share with you what I looked like on the outside and what I felt like on the inside. I'd been released from the Edmonton Remand Centre March 9, 2017 and, after overstaying my welcome at my parents' place, I found myself homeless. My clothes were dirty, I didn't smell good, and I looked unwell from substance use. On the inside I felt worthless, ashamed, embarrassed, hopeless and ugly, to name a few. I hadn't seen my daughter or family in months and had upcoming appearances in family and criminal court. Needless to say, I wasn't in the best of spirits, nor did I have any thoughts that were useful to continuing on.

My family moved from Chile to Canada in 1990 and called Montreal home - I was four years old at the time. After a year of living there, we moved to Edmonton. Growing up was difficult because I was different. I didn't feel different at the beginning, but my differences were made known to me on a daily basis by my peers in school. Going to school was fun at the beginning but as time went on it became increasingly difficult. I was called all kinds of names and treated differently due to the color of my skin, for wearing donated clothing, for wearing glasses, for sounding different and for going to church. This went on until 1997, after completing grade five, when we sold everything and moved back to Chile.

That year in Chile was amazing! I was around family and once in school I had a feeling I never knew before, being popular. Even though I was advanced a grade in Chile, I found myself in a place where all the discomforts I had faced in school in Canada were no longer occurring. Even though I was seen as different because I had come from Canada, that difference didn't work against me - I was popular and liked. It was a heartbreaking blow to find out we were moving back to Canada. Once back I was placed in grade seven and felt lost in my schoolwork.

LOSING MYSELF

The discomforts of being back in school came back right away but there was a difference - I was no longer tolerating it. I started to fight back. This landed me in a lot of trouble in/at school and also while out. Soon after getting back to Edmonton, I got arrested for the first time. It was for unlawfully entering a dwelling, and I felt this brought great shame to my family. I had been born into a religious household, which meant that going through my court matters included meetings with the church leaders. This imposed consequences including being more restricted in what I could do on a day-to-day basis. Even though my parents never let me know how disappointed they were, it showed on their faces. Being twelve years old, I found myself starting to feel even more divided from those around me. I had some experiences around this time that were sexual in nature and brought a lot of shame to me. They created a secret I couldn't share with my family or the people around me.

When growing up, I had depended on measuring myself against those in my environment and within the church and now was no different. I started to feel immoral and unworthy, and the thoughts that came with it were much darker and slowly started to consume me. I would carry on through the discomforts of my environment but was getting more and more consumed with the thoughts and ideas I had formed about who I was. As puberty continued, I found myself navigating the discomforts of finding myself within my own body and the teachings of the church, and this brought more confusion, feelings of shame and unworthiness. What I felt to be the last blow to my family was when I decided at age 18 to not go on a two-year mission for the church we belonged to. I felt I had let my parents down and was feeling really disconnected from my family at this point.

GONE WRONG AND NOWHERE TO TURN

Shortly after, I started working in a restaurant, and this is where I was introduced to drugs and alcohol. Instantly, all those feelings and ideas I had constructed about myself were gone. Finally I had found something that could quieten the noise. Pretty soon I found myself at a turning point - I was longing to feel accepted and felt nothing was left for me in my old life, so I needed to embrace this new life. I started selling and using drugs near my neighborhood and within a couple of months my whole life had flipped on its head. It was a scary place to be, but I felt this was all I had left -

so I embraced it wholeheartedly. At first, I really embraced the lifestyle and appreciated living in rebellion. I could sense the external pressures and the looks that came my way but, because of the false sense of security that the lifestyle brought, and also being highly intoxicated, I didn't care. In November 2014 my common-law relationship of eight years crumbled, and I lost everything, including my 13-month-old daughter. This sent me in a downward spiral real quick. Fourteen years of substance misuse and periods of criminal activity had taken everything from me and created this gap mentally, and it was perceived by others in my environment. That gap, whether real or not, made life unbearable but left me in a place where I had nowhere to turn.

December 2016, I found myself in the Edmonton Remand Centre looking at 3½ years in prison. This brought me to a place I never had felt before, and my freedom was one loss I had never experienced. After seventy-seven days in the Edmonton Remand Centre, I made bail and was "free". Little did I know, that feeling of freedom was not a true depiction of where I was at. The following four months were the worst of my life. Having lost hope, and feeling really negative inside, led me to live my life in a reckless way that brought me close to death many times due to the substances I was using and the lifestyle I was living. The months leading up to the day of coming into recovery were difficult. I was on probation, and I dreaded going to see my probation officer because I felt judged and like I was treated less than a human being.

TURNING POINTS OUT OF THE BLUE: DETOX, THE HOPE OF AN INDIVIDUAL COUNSELLOR, AND EDMONTON DRUG COURT

What brought me to detox was knowing I had a preliminary hearing, to discuss whether they had enough to move my charges forward to trial, along with the fact my probation officer would be in attendance and share how I wasn't doing anything on my probation order. I had developed a relationship with a counsellor from Alberta Health Services Addiction Services Edmonton, and in those months before going to detox I felt this counsellor was the only person I had left on earth who cared about me. Having someone in my corner who didn't judge me or treat me differently because of my circumstances meant the world to me. Looking back now I don't know if I would be where I am today, if there hadn't been someone who I felt cared.

The first year of recovery was filled with various treatment centers, sober living, counselling, recovery related programming, doctor's appointments, Drug Treatment Court, the 12-step program, etc. Everywhere I went I carried these thoughts and feelings about myself. The divide that was created by my lifestyle choice along with years and years of misguided thoughts and beliefs I had grown to have about myself were making it difficult for me to believe what those around me were saying or to fully embrace and trust the help being offered. My legal matters ended up taking me through the Edmonton Drug Treatment Court program. That meant reporting to the Drug Court team daily and to the judge during weekly court appearances. This was extremely difficult at first for me, internally. It had taken years and years for these ideas and feelings about myself to develop, and at the beginning of my recovery I couldn't see past them. Hearing positive compliments and encouraging remarks was difficult, because I didn't believe those people sharing positive things about me. I had constructed this idea that I was an evil person who couldn't do anything good. I was riddled with shame as a son, father and sibling. Within society I felt like the scum of the earth, and I couldn't see myself any other way.

THE CAMARADERIE AND SUPPORT OF A 12-STEP GAME CHANGER

The real game changer for me was when I found 12-step meetings. Even though at first there was a lot of discomfort for me attending, I soon found it was a safe place for me. I didn't feel judged, and I felt a sense of camaraderie there amongst other addicts and alcoholics. I learned a lot about myself there and came up with the idea that somewhere along the line I had gotten sick, and that sick people do sick things. I'm not trying to downplay what I did in the past, but in order for me to start coming to terms with myself I had to come to a place of acceptance. The last 4½ years of my recovery have been full of joy and meaningfulness, but it would be a lie to say I still don't carry some of the old ideas and beliefs about myself.

Navigating life in recovery through my professional commitments with work, family commitments and life in general is hard, even though I am so far removed from the old life I lived I can say that some things have been deeply rooted within me. The support I have found for myself in recovery has made a huge difference for me to be able to face life as it comes. Practicing patience has been difficult but being in

"The real game changer for me was when I found 12-step meetings. Even though at first there was a lot of discomfort for me attending, I soon found it was a safe place for me."



a position where I get to offer support to others on their recovery journey has given me countless opportunities to be vulnerable with them and I always try my hardest to be a safe, non-judgmental support.

ONE GOOD TURN LEADS TO ANOTHER

In addition to my work as a Peer Support Worker for Alberta Health Services and the Edmonton Drug Treatment Court, I work with Parents Empowering Parents (PEP), an organization of parents whose children struggle with drug abuse and addiction. At PEP, I work with youth and young adults in the U-Turn program where we explore, in a safe and non-judgmental environment, the situations the young people are facing. I am also a facilitator in the PEP Virtual Family Recovery program, connecting parents and youth with resources and exploring alternatives.

I am deeply honoured to be part of these organizations. Being a peer support worker also brings about so much healing in my own recovery journey. I know all too well the feeling of loneliness that I felt in my time of chaos, so to have the opportunity to share space with others and to validate their existence is a huge blessing in my life. I am so grateful to be able to give back to others in a meaningful way today.

Although I cannot solve other people's problems, I have come to see that being present and sharing space with them on their journey has great meaning. I am incredibly grateful to all those who have been there for me on my journey of recovery. To not reciprocate that gratitude by being there for others would not be paying it forward. ■

RÉSUMÉ

Roberto's Journey with discrimination and stigma

ROBERTO DIAZ

INTRODUCTION PAR DOUG HECKBERT

Auteur de *Go Ahead and Shoot Me! and Other True Stories About Ordinary Criminals* (Durville Publications Ltd. of Calgary, AB, 2020)

Dans les pages qui suivent, le lecteur prendra connaissance du témoignage de Roberto Diaz, d'Edmonton, en Alberta, un ancien trafiquant de drogue qui faisait également l'objet d'une enquête pour homicide involontaire. Roberto a cessé de boire et de consommer de la drogue et il est passé par le tribunal de traitement de la toxicomanie d'Edmonton, où il a « appris à redevenir normal ». J'ai rencontré Roberto pour la première fois en 2019 lorsque je l'ai interviewé pour l'inclure dans mon livre *Go Ahead and Shoot Me! and Other True Stories About Ordinary Criminals* (Durville Publications Ltd. of Calgary, AB, 2020). Roberto a maintenant un emploi stable comme travailleur pair. Dans son article, il raconte une partie de son enfance, la criminalité, la dépendance, la sobriété et la réinsertion. Je demande au lecteur de remarquer les changements dans les sentiments, les attitudes et le comportement de Roberto lorsqu'il décrit les différences entre la façon dont il se percevait et la façon dont les autres le voyaient à différents moments de son parcours. Il a vécu plusieurs types de stigmatisation au cours de sa vie. Je pense que le récit de Roberto sur la stigmatisation peut aider le grand public à comprendre l'impact de la stigmatisation, une dynamique humaine puissante, et le préjudice individuel et social qu'elle cause.

Is the Canadian Correctional Setting a Source of Post-Traumatic Stress Disorder?

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Despite the overrepresentation of Post-Traumatic Stress Disorder (PTSD) among inmates in Canada, the correctional system, particularly maximum security and pre-trial institutions, fosters an environment highly conducive to both the aggravation of PTSD symptoms and the development of onset PTSD. Cumulative traumatic experiences and a lack of proper social support are high-risk factors associated with the development of PTSD in traumatized persons. It is imperative that the prevalence of violence within these institutions, the inappropriate use of solitary confinement, and the lack of reasonable access to mental health care be addressed. Studies have demonstrated that integrating a rehabilitative treatment philosophy into the prison regime may aid in reducing misconduct. Humane prison environments have also proven to be effective in reducing recidivism. Cognitive-Behavioral Therapy, Eye Movement Desensitization and Reprocessing (EMDR), sweat lodge ceremonies, yoga and mindfulness meditation, and even psychedelic drugs have been suggested as treatments for PTSD.

Mental health disorders are significantly more prevalent among inmates than in the general population (Sindicich et al., 2014, p. 45). The correlation between PTSD and criminality is high (Craswell, Dieleman, & Ghanouni, 2021, p. 130). Briere, Agee, & Dietrich (2014) found that PTSD occurs in approximately 4% of the general population versus 48% of the inmate population (p. 442). The development of PTSD post-committing a violent crime is common but highly underdiagnosed, likely because sentenced criminal law breakers are perceived as the instigators of trauma rather than victims themselves (Belet et al., 2020, p. 493). However, roughly 90% of inmates report exposure to trauma (Sindicich et al., 2014, p. 45). Among those inmates who meet the criteria for PTSD, the most impactful types of traumatic events they have experienced include witnessing someone being hurt or killed, being sexually assaulted, and being physically assaulted otherwise (Gibson et al., 1999, p. 478). Life stress, severity of the trauma, cumulative traumas, and lack of social support (Hagan et al., 2017, p. 143; Briere et al., 2016, p. 443) are contributing factors highly associated with the development of PTSD. Shalev, Liberzon, & Marmar (2017) clarify that PTSD

fluctuates, with serious symptoms surfacing under co-occurring stressors, illness, and life transitions (p. 462). Exposure to interpersonal violence, childhood trauma, fewer years of schooling, and prior mental health disorders are associated with a higher susceptibility to developing PTSD (Shalev et al., 2017, p. 462). The magnitude of a traumatic event is relevant to the development of PTSD; the risk increases with exposure to traumatic brain injury, torture, bodily disfigurement, and death (Shalev et al., 2017, p. 462).

WHAT IS POST-TRAUMATIC STRESS DISORDER?

PTSD is a trauma and stressor-related disorder perpetuated by experiencing or witnessing one or more specific traumatic or stressful events (American Psychiatric Association, 2013). PTSD is characterized by persistent distressing, intense, and fearful reactions to reminders of the traumatic event(s) (Shalev et al., 2017, p. 2459). This may manifest as nightmares or unwanted, invasive recollections of the event (aka flashbacks) (Cloitre et al., 2014, p. 2). PTSD may cause one to avoid people, places, activities, and their own thoughts (Cloitre et al., 2014, p. 2). PTSD may also present itself as mood and cognition alterations,

unprovoked angry outbursts, hypervigilance, exaggerated startle responses, disturbed sleep, and an overwhelming sense of imminent threat (Shalev et al., 2017, p. 2459; American Psychiatric Association, 2013).

Symptoms and clinical presentations of PTSD can vary dramatically, making it difficult to diagnose. Individuals with PTSD may exhibit aggressive, violent, and hostile behaviour (Karatzias et al., 2018, p. 73). Some may predominantly experience dysphoric moods and the inability to experience pleasure or reactively externalize their symptoms, while others may experience dissociative symptoms such as depersonalization (persistently feeling detached or like an outside observer of oneself) and derealization (a constant distorted or dreamlike sense of one's surroundings) (American Psychiatric Association, 2013). Without the client volunteering their traumatic history, professionals risk diagnosing mood swings as bipolar, sense of despair as clinical depression, or restlessness as ADHD (van der Kolk, 2015, p. 138). PTSD co-occurs with substance-use, mood, personality, and anxiety disorders in more than 50% of cases (Shalev et al., 2017, p. 2462; Cloitre et al., 2014, p. 3). It has also been linked to suicidal behaviour (Shalev et al., 2017, p. 2462).

Complex PTSD (CPTSD) is characterized as experiencing high levels of PTSD symptoms accompanied by disturbances in self-organization such as: emotional regulation issues (uncontrollable angry outbursts, having one's feelings hurt easily), feelings of guilt and/or worthlessness, and interpersonal problems (feeling distant and cut off from others) (Cloitre et al., 2014, p. 2). Cumulative and chronic trauma are strong predictors of CPTSD (Cloitre et al., 2014, p. 3). Some argue that CPTSD is an amalgamation of PTSD co-occurring with borderline personality disorder (BPD) due to PTSD's high comorbidity with BPD (Cloitre et al., 2014, p. 3). Many behavioral and clinical problems are linked to exposure to trauma (Craswell et al., 2021, p. 130).

CORRECTIONAL INSTITUTIONS: A CULTURE OF VIOLENCE AND CORRUPTION

Canadian prisons are riddled with violent triggers capable of aggravating the symptoms of individuals with pre-incarceration PTSD. With a culture of gang violence (*R. v. Le*, 2021)—prison riots (*R. v. Nelson*, 2021), assaults (Bates, 2018, p. 174-175, *R. v. Le*, 2021), stabbings (*R. v. Ladelpha*, 2021; Risom, 2021), and murder (*R. v. Vandewater*, 2020), accompanied by unprovoked pepper spray attacks from correctional officers (Jelowicki, 2021), stun gun attacks (Zinger,

2020), pain-compliance techniques (Zinger 2020), and alleged supplementary informal punishments (i.e. withholding insulin from a diabetic inmate) (Wakefield, 2021, para. 5; Huang, 2021, para. 1-7)—individual inmates are condemned to live in fear not only of their peers but also of their supposed source of safety. Five inmates sued the Edmonton Institution alleging that correctional officers deliberately provoked violence by placing rival gang members together and then failed to provide emergency services in reasonable time; one alleged to have been housed with a sex offender and ordered to attack him; others alleged that inmates' food was tampered with (doused in shampoo, spit, urine, and feces) (Bennett, 2013).

According to Zinger (2016) between the years 2006 and 2014, Correctional Service of Canada (CSC) found that attempted suicides increased by 210%, deaths increased by 36.7%, serious bodily injuries increased by 113.5%, inmate on inmate assaults increased by 93.0%, and use of force increased by 49.2% (p. 613). The inherently violent nature of the Canadian prison environment, particularly maximum-security institutions and pre-trial institutions, undoubtedly contributes to the development of PTSD in inmates.

SOLITARY CONFINEMENT

Lack of social supports is a major contributing factor to PTSD development in an individual who has experienced trauma (Hagan et al., 2018, p. 143). Consequently, solitary confinement is highly linked to symptoms of PTSD (Hagan et al., 2018, p. 141). Bobby-Lee Worm, an Indigenous woman with extensive history of childhood physical, sexual, and emotional abuse, and a family history of residential schools, served the majority of her sentence at the Fraser Valley Institution, in solitary confinement, where she displayed signs of significant psychological deterioration (Bingham, Sutton, & Mandhane, 2012, p. 15-16). While in segregation, she was kept from accessing treatment for her PTSD (Bingham et al., 2012, p. 16).

Last year, the John Howard Society of Canada pressed for a formal investigation into the conditions of Edmonton Institution in a letter addressed to Edmonton's police chief, after receiving reports of inappropriate use of segregation (Huang, 2021, para. 1). Despite Bill C-83 and the *Corrections and Conditional Release Act (CCRA)*'s implementation of structured intervention units (SIU) with opportunity for "meaningful human contact," Correctional Investigator of Canada, Zinger (2020), contends that the policy's failure to define "meaningful human

contact” provides little instruction to correctional staff (para. 50). Zinger (2020) advocates for inmates to be exposed to non-correctional staff, perhaps outside groups and associations who have existing rapport with inmate populations (para. 50).

LACK OF APPROPRIATE ACCESS TO CARE

CSC’s 2019 Mental Health Strategy includes screening of inmates upon arrival along with various levels of mental health care: primary, intermediate, psychiatric hospital, and transitional care upon release into the community. All federally-sentenced persons are offered screening via the Computerized Mental Health Intake Screening System (CoMHIS), “a standardized tool that objectively measures [several] indicators of mental health” upon incarceration (Correctional Service of Canada, 2021). Mental health care (provided by registered health care professionals or by persons acting under the supervision of registered health care professionals) is included under the CCRA’s definition of “health care.” Section 86.1 of the Act states that “The [Correctional] Service shall provide every inmate with (a) essential health care, and (b) reasonable access to non-essential health care.

Huang (2021) reports that inmates at the Edmonton Institution have allegedly resorted to extreme measures, such as deliberate self-harm in front of correctional officers, as a desperate plea to obtain mental health care when formal requests have been to no avail (para. 6). Timothy Shaw-Zak, an individual living with focal epilepsy and a history of generalized seizures was pepper sprayed in 2017 at Calgary’s Remand Centre and restrained (forced onto his stomach) on several occasions after exhibiting bizarre behaviors consistent with a focal seizure (*R. v. Shaw-Zak*, 2018, p. 3 & 5; Holland, Edward & Giandinoto, 2017, p. 164-165; timothyshawzak shawzak, 2020). While in custody, Shaw-Zak underwent brain surgery for his epilepsy (*R. v. Shaw-Zak*, 2018, p. 5).

In court, Shaw-Zak claimed that his medication had not been administered properly which led to the swelling of his brain (*R. v. Shaw-Zak*, 2018, p. 6). Shaw-Zak expressed concern over the lack of neurologists at the Remand Centre and restricted access to proper neurological care (*R. v. Shaw-Zak*, 2018, p. 6). Lack of appropriate access to resources violates, not only individual health rights, but also human rights (Bingham et al., 2012, p. 3). Alberta Lawyer Amanda Hart-Dowhun stresses the importance of a caring attitude toward inmates; she adds that guards are required to do a “mental health check” which entails briefly checking on

inmates but are just “checking the boxes... not doing it in a meaningful way” (Cooper, 2021, p. 9-10). The implementation of mental health programs is ineffective if correctional officers fail to adequately collaborate with mental health professionals during the execution of their duties. If left untreated, mental illness can present as aberrant behaviour(s). For inmates to promptly access the resources they need—to prevent the exacerbation of their symptoms—it is crucial for correctional staff to endorse inmate requests for help, and to appreciate that mental illness can be difficult to recognize and may not be as overtly visible as some physical injuries.

Incarceration is the most extreme restriction to liberty (Winterdyk, 2021, p. 17). Inmates should not be subjected to unreasonable auxiliary punishments beyond their sentence. Section 12 of the *Canadian Charter of Rights and Freedoms* asserts that everyone has the right not to be subjected to cruel and unusual treatment or punishment. Improvement requires correctional officers to become active participants in their own mental health to better contribute to the trauma-informed healing of inmates. Mental health training, effective accountability mechanisms, and oversight are essential for the proper functioning of programs.

TARGETING ROOT CAUSES OF TRAUMA: VIOLENCE

Addressing the prevalence of PTSD in prison begins with a proactive (preventative) approach, followed by early intervention, and alternatives to incarceration. For impactful change to occur, targeting the social causes of crime and mental illness embedded into society is required. A preliminary step in reducing prison violence would be to address gang violence. The intake screening process whereby inmates are asked if they have any contact concerns or gang affiliations is insufficient (*R. v. Le*, 2016, para. 13). Although beyond the scope of this article, finding solutions to gang violence is imperative as it is a key trauma-inducing component of prison.

A systematic review on reducing prison violence found that programs aiming to integrate a rehabilitative treatment philosophy into institutional regimes were effective in reducing prison violence (Auty, Cope, & Liebling, 2017, p. 126). Andrews et al. (1990) suggested three psychological principles for the proper delivery of correctional treatment: (1) prioritizing high-risk individuals; (2) targeting criminogenic needs; and (3) using treatment personalized to client needs and learning styles (p. 369). In a meta-analysis on reducing

prison misconduct, French & Gendreau (2006) found behavioral treatment programs to be the most effective at reducing both misconduct and recidivism (p. 185). Additionally, Norway's prison system is among the most humane in the world. It fosters an environment where inmates are treated with dignity and decency and boasts a low recidivism rate of 20%, compared to Canada's 35% to 55% (Yukhnenko, Sridhar, & Fazel, 2020, p. 7; Winterdyk, 2021, p. 18). Zinger (2020) outlines the "myriad of disincentives" inmates housed in Canadian correctional facilities face for reporting violence, be it fear of retribution, retaliation, or revictimization. A restructuring of the correctional system is necessary to end the animalization of inmates.

COMMON PTSD TREATMENTS

A study conducted on 49 incarcerated women with PTSD and substance-use disorder found that Cognitive-Behavioral Therapy decreased PTSD symptoms compared to a worsening of symptoms for the control group (Zlotnick, Johnson, & Navajavits, 2009, p. 325). Additionally, van der Kolk (2015) found dramatic PTSD improvements with the use of Eye Movement Desensitization and Reprocessing (EMDR), suggesting it could potentially replace medication (p. 255). In a study comparing EMDR to Prozac, the Prozac group's results hardly surpassed the placebo group's; whereas the EMDR group showed significant improvement of PTSD symptoms (van der Kolk, 2015, p. 256). Sixty percent of those who received EMDR were considered cured of PTSD (van der Kolk, 2015, p. 256). EMDR is, however, less effective on victims of early childhood trauma (van der Kolk, 2015, p. 257).

INDIGENOUS INITIATIVES AND OTHER ALTERNATIVE METHODS TO HEAL TRAUMA

It would be wise to learn from the healing approaches of our Indigenous communities. Research has demonstrated that a combination of traditional Indigenous healing practices (specifically sweat lodges) combined with a Western treatment model led to a decrease in symptoms of intergenerational trauma (Marsh et al., 2018, p. 2). Feelings of emotional well-being have been directly attributed to the sweat lodge ceremony (Marsh et al., 2018, p. 2).

A meta-analysis and systematic review have demonstrated the positive effects of yoga and mindfulness meditation programs on the psychological wellbeing of prisoners (Auty et al., 2017, p. 127). Trauma-sensitive yoga has recently emerged as an ancillary treatment to assist trauma survivors to minimize their symptoms (Toof, Mann, & Ouzts

Moore, 2021, p. 3). Studies have found that yoga can decrease secretion of cortisol, the body's primary stress hormone (Toof et al., 2021, p. 5). van der Kolk et al. (2014) conducted a study on 64 women with treatment-resistant PTSD, whereby 52% of the women assigned to the group that participated in a trauma-informed yoga class for 10 weeks (1-hour per week) no longer met the DSM-5 criteria for PTSD at the end of the study. His research demonstrated that the Heart Rate Variability (HRV) in people with PTSD is out of sync (p. 269). Further research found that yoga led to a better regulation of HRV (van der Kolk, 2014, p. 272).

There is growing controversy about treating PTSD with psychedelics such as Ayahuasca (Kase, 2021, para. 2), which may play an effective role in targeting and treating traumatic memories in PTSD patients (Inserra, 2018, p. 1). In Brazil, violent crime inmates have the opportunity to participate in Ayahuasca ceremonies at the Ji-Paraná retreat specifically targeting PTSD, depression, and addiction (Kase, 2021, para. 1-2). Recommending drug use for a demographic that largely struggles with addiction should, however, be carefully scrutinized through evidence-based research.

CONCLUSION

Inmates, particularly federal inmates housed in maximum security prisons are a demographic significantly more likely to be a victim of violent crime, be diagnosed with a mental illness, suffer from poverty, develop various physical health problems, and be a minority (Sindicich et al., 2014, p. 45-46; Flatt et al., 2017, p. 1110; Cooper, 2021, p. 8). They are in dire need of intervention and mental health resources; however, much of society does not feel this demographic deserves such care, notably people who know any victims. Political parties have used criminal justice policies that deliberately promote harsher punishments to garner votes by an uninformed populace (Zinger, 2016, p. 610). Raising social awareness is imperative. Obtaining societal support requires the general understanding that the long-term benefits of providing for the healing of traumatized individuals supersedes the temporary gain of taking the current hard and inhumane approach to keeping an offender off the streets. How many crimes are committed under duress of mental illness? The accrued trauma that inmates face as a result of the incremental damage to their mental health and the exposure to a harsh prison setting has implications that will place a much greater strain on society's resources in the future. Inmates whose healing is suppressed cannot become viable citizens that contribute to a community. They can only ever be

a burden to that community, forever promulgating a cycle of damage and hurt. ■

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RÉSUMÉ

Is the Canadian Correctional Setting a Source of Post-Traumatic Stress Disorder?

CHANEL BLAIS

B. A. – Justice pénale (avec distinction)

Malgré la surreprésentation des cas de syndrome de stress post-traumatique (SSPT) parmi les détenus au Canada, le système correctionnel, en particulier les établissements à sécurité maximale et les établissements de détention préventive, favorise un environnement très propice à l'aggravation des symptômes du SSPT et à l'apparition du SSPT. Les expériences traumatiques cumulatives et le manque de soutien social approprié sont des facteurs de risque élevés associés au développement du SSPT parmi les personnes traumatisées. Il est impératif de s'attaquer à la prévalence de la violence au sein de ces établissements, au recours inapproprié à l'isolement cellulaire et au manque d'accès raisonnable aux soins de santé mentale. Des études ont montré que l'intégration d'une philosophie de traitement et de réadaptation au sein du régime carcéral peut contribuer à réduire les comportements répréhensibles. Les environnements carcéraux humains se sont également avérés efficaces pour réduire les risques de récidive. La thérapie cognitivo-comportementale, la désensibilisation et le retraitement par les mouvements oculaires (EMDR), les cérémonies de la hutte de sudation, le yoga et la méditation de pleine conscience, et même les drogues psychédéliques ont été proposés pour traiter le SSPT.

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Does the state of Canadian prisons (sale of illicit drugs including heroin, violence, codes of conduct, gangs, over-representation, isolation) make communities lose faith in policing?

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L'État des prisons canadiennes (vente de drogues illicites dont l'héroïne, violence, codes de conduite, gangs, surreprésentation, isolement) fait-il perdre aux communautés leur confiance à l'égard de la police?

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Childhood Sexual Abuse and the Canadian Criminal Justice System

STEFAN HORODECKYJ

HBA, BEd, JD, doctoral student in Criminology, Lancaster University (UK)

Childhood sexual abuse is a persistent, prevalent and very important personal and social issue in Canada, and indeed worldwide. It has existed from time immemorial, and its insidious presence knows no boundaries. Childhood sexual abuse is not restricted to any gender, socio-economic status, race, culture, ethnicity or religion. The trauma of childhood sexual abuse is real and substantial for many victims from an emotional, physical, financial and sometimes spiritual perspective. As well, family, friends, employers and the community at large are often secondary victims. This crime is more often than not perpetrated by a family member or friend of the family but may also be another individual known to the victim (Badgley Report, 1984). Unfortunately and for many reasons, however, many cases of childhood sexual abuse go unreported by victims to the police. Consequently, many abusers are not arrested and thus never charged and criminally prosecuted (Martin and Silverstone, 2013). When unreported, the victim does not receive the support they need to deal with the trauma. And the abuser is not stopped. There are several reasons for the under-reporting of childhood sexual abuse, including victims' feelings of shame and often guilt (self-blame) regarding the sexual abuse; a fear, that they will not be believed, or of retribution from the perpetrator; and victims also may fear destroying their family or being abandoned or even ostracized as a liar by family members and friends.

WHAT IS CHILDHOOD SEXUAL ABUSE AND HOW IS IT ADDRESSED BY THE CANADIAN CRIMINAL JUSTICE SYSTEM?

“Childhood sexual abuse is the misuse of power by someone who is in authority over a child for the purpose of exploiting a child for sexual gratification. It includes incest, sexual molestation, sexual assault and the exploitation of the child for pornography or prostitution” (Rogers, 1990). All of these are serious criminal offences under the *Criminal Code of Canada*.

Where the abuse is reported to police, it is often difficult to get a conviction in court. There are three major reasons why victims are reluctant to testify in court: (1) due to a fear of re-traumatization; (2) a lack of witnesses other than the victim; (3) and the waning recollection of relevant facts by the victim and any witnesses due to the oft-long passage of time between the sexual abuse to the trial date. Very young children, who are sexually abused by their parents or guardians, might also dread the thought of being separated from their caregivers if their abusers are imprisoned. Another reality that

arguably helps ‘keep the silence’ on childhood sexual abuse is the fact that those sexual perpetrators sentenced to Canadian prisons have few rehabilitation programs available to them to treat the underlying causes of their predatory behavior. Another problem in prisons is that many inmates, especially females, are also victims of childhood sexual abuse (Urciuoli, 2019) and are disserved by the justice system’s lack of treatment programs aimed at addressing their emotional trauma, in spite of strong evidence that CSA can be part of the criminal behaviour chain for some victims.

Community corrections offer some solutions for perpetrators serving all or part of their sentence in the community as probationers or parolees. They have had access, in the last two decades, to in-house treatment programs for sex offenders available either directly in probation and parole offices or, alternatively, through referrals by the sex offender’s probation or parole officer to treatment programs in the community.

The criminal justice system in Canada, for the most part, was not designed to assist victims of childhood sexual abuse. However, with links between this crime and future criminality for the victims, a policy change in this direction would be critical to changing this paradigm. Victims of childhood sexual abuse are causally vulnerable to various mental disorders such as anxiety, depression, post-traumatic stress disorder and suicidal ideation, to mention but a few (Little Warriors, 2021). They are also vulnerable to addictive behaviors, including alcohol and drug abuse to numb the pain associated with their childhood trauma (Simpson and Miller, 2002). This in turn can lead to some cases moving from a marginalized lifestyle to one that is out of control, including unemployment, homelessness, and engaging in criminal behavior. For some victims, associated behaviours may include prostitution and theft to support substance abuse and lifestyle.

The good news is that individual, group psychological and group psychiatric and group peer-support treatment services do exist as well as substance abuse treatment programs of which victims of childhood sexual abuse can avail themselves in most jurisdictions in Canada, especially in the larger cities. As a group of German researchers led by the German psychotherapist and Professor Georg Schomerus recently pointed out, there is a critical gap in research around “stigma as a barrier to addressing childhood trauma”. A “vignette study based on a representative sample of the German general population” concludes that stigma around survived childhood trauma prevents others from offering to help a victim, who in turn are reluctant to disclose or actively seek help (Schomerus et al., 2021).

Some revealing Canadian statistics concerning childhood sexual abuse

- 1:3 girls and 1:6 boys are sexually abused before their 18th birth date (The Badgley Report on Sexual Offences Against Children in Canada, 1984).
- The estimated rate of childhood sexual abuse is 20-25% in the Canadian Indigenous population (Collin-Vézina, Dion, and Trocmé, 2009).
- More than 95% of childhood sexual abuse cases are never reported to authorities (Martin and Silverstone, 2013).
- 60% of all reported sexual assaults are against children (Canadian Centre for Justice Statistics, 2001).

- Sexual assault against children by family members was more than 3 times higher for female victims than for male victims (Canadian Centre for Justice Statistics, 2007).
- In Canada, 95% of childhood sexual abuse victims know their perpetrator (The Badgley Report on Sexual Offences Against Children in Canada, 1984).
- Female adult survivors of childhood sexual abuse are nearly 3 times more likely to report substance abuse problems (Simpson and Miller, 2002).
- Male adult survivors of childhood sexual abuse are 2.6 times more likely to report substance abuse problems (Simpson and Miller, 2002).
- 50% of female adult prisoners and 22% of male adult prisoners in Canada experienced childhood sexual abuse (Urciuoli, 2019).
- 23% of child sexual perpetrators experienced sexual abuse with physical contact in childhood (Hanson and Slater, 1988).

CASE STUDIES OF FOUR CANADIAN SURVIVORS OF CHILDHOOD SEXUAL ABUSE

Not all survivors of childhood sexual abuse have success stories, but many do. This latter shows that survivors can transform trauma into triumph and that their sexual abuse does not define who they are. In this article the author presents four such courageous success stories. The following testimonials show the reasons this crime often goes unreported. They also shed a lot of light on how the repercussions of unaddressed childhood sexual abuse can make victims prone to revictimization and/or self-medication through illegal street drugs, among other affects, and how this all comes to bear on the criminal justice system. The section immediately below offers four Survivor testimonials gathered through the author’s interview questions (Stefan Horodeckyj – S.H.).

WARNING: This article includes discussion and stories of survivors of childhood sexual abuse. This section presents survivors’ revictimization experiences through sexual assault, domestic violence, and other forms of physical violence.

NOTE: These survivors are/were not involved in the criminal justice system. These survivor testimonials are included here to for reader perspective on childhood sexual abuse, its impacts, and the healing process.

SURVIVOR #1 (MALE)

S.H.: Can you share with me some particulars of your childhood sexual abuse?

Response: “I was sexually abused between the ages of 4 and 13 years. My abusers included: my uncle; my older half-sister; my female cousin; four adult males (non-family); and two older boys (non-family). I suppressed my anger and shame during the years I was sexually abused, since I was afraid to process my emotions.

I never disclosed my sexual abuse to any adult when I was a child, since my trust of adults, especially of doctors and of police, was destroyed as a result of being sexually abused by my psychologist uncle. As well, at the time of the abuse my uncle told me that no one would believe me, since I was a child and he was a doctor. And he threatened to kill everything I loved if I were to disclose the sexual abuse to anyone.

I disclosed my sexual abuse for the first time in 2014 at The Gatehouse® (TGH). This is an award-winning not-for-profit agency in Toronto that has provided emotional support and healing for thousands of survivors of childhood sexual abuse since 1998. It was a major relief for me to vocalize my abuse in a safe and empathic environment. This was the real beginning of my healing journey.”

S.H.: Can you describe what your life was like as a toddler?

Response: “I lived with my mother and her second husband before my sexual abuse. I remember my family as being dysfunctional. I was physically abused by my mother and stepfather. I hated them and also did not have a good relationship with my half-siblings”.

S.H.: What was your life like as a young child and teen after you were sexually abused?

Response: “I lived with my mother and her husband from birth until I was 18 months old. They physically abused me. From 18 months until I was 10 years old, I lived with mother. During this period she would physically abuse me almost daily. From age 10 to 12 years, I lived with my mother and my stepfather - a drunkard. They both physically abused me severely almost daily. From age 12 to 16 I lived with my maternal grandmother, who did not physically abuse me. Subsequently, I moved out of my grandmother's house and lived on the streets until I was 18 years old. At that point I moved in back with my grandmother,

where I remained till I got married at age 19. After my sexual abuse I continued to suppress my feelings to a great extent. At home I was quiet, but at school I showed a lot of anger, especially if someone tried to bully me. I also found it difficult to trust others and my self-esteem was low. I would put on a false face so that people would not get close to me. As well, I did not trust myself.

When I was 27 years old I started training in karate in order to deal with my anger and low self-esteem. However, this was not enough since I still hated myself for being sexually abused. This led to my using cocaine off and on for about 20 years. I overdosed on this drug approximately 20 times in an attempt to end my life. I forgot to mention that when I was 7 years old I tried to commit suicide by sitting on a high branch of a tree with my arms in the air, hoping that a strong wind would blow me off the branch.”

S.H.: What formal healing intervention, if any, did you participate in as a result of your childhood sexual abuse?

Response: “When I was in my early fifties my family doctor referred me to a therapist. Here I completed a 10 week group cognitive behavioral therapy program, which I did not find to be very helpful. Hence, my therapist referred me to TGH [i.e., The Gatehouse®] in 2014. This was going to be my last hope. I am so grateful for this referral, since TGH SAVED MY LIFE!”

At TGH I participated in a restorative peer-support group for male survivors. Here I learned and practiced how to process my feelings of anger and the shame and self-blame I felt. I also learned to be grateful for all that I had experienced in my life. I started seeing my life through the lens of gratitude and not of a victim.”

S.H.: How would you describe your life now?

Response: “I have no regrets. I am very hopeful now. I practice deep breathing to cope with stress and I have been a group facilitator at TGH since 2015 and this experience is a major part of my healing journey.”

S.H.: What have been the greatest challenges and successes in your life?

Response: “My greatest challenge was processing my negative feelings related to my childhood sexual abuse. My greatest success is achieving inner peace and contentment in my life.”

S.H.: What are the most important things you would like others to know?

Response: *"In order to heal from childhood sexual abuse it is vital that the survivors be honest with themselves. Honest about their feelings, needs and how their conduct is beneficial for their personal health."*

SURVIVOR #2 (FEMALE)

S.H.: Can you share with me some particulars of your childhood sexual abuse?

Response: *"I was sexually abused between the ages of 5 and 9. I kept the sexual abuse a secret until I was 13 years old. At the point I told a female friend of mine, who was my age, after she told me that she was sexually abused also. Discussing my sexual abuse with her was somewhat of a relief, since I then realized that I was not the only person in the world that was sexually abused as a child. When I was 19 I told my siblings of my childhood sexual abuse. My mother knows in general that something inappropriate happened to me when I was a child, however, my dad does not know of the abuse to this day. Also, my teenage son and daughter know in general that I was a victim of childhood sexual abuse. I did not disclose fully to some family members since I did not want to burden them with this news. As well, I never disclosed the details of my sexual abuse to the police or anyone in a position of authority. I did not disclose, since I was a child and had no idea that what happened to me was wrong, until many years later. As a victim I felt so ashamed. I thought that I somehow had an invisible target on me that would lure perpetrators to abuse me. Essentially I blamed myself for the sexual abuse."*

S.H.: What was your life like as a young child prior to your childhood sexual abuse?

Response: *"I was raised in a fairly strict Catholic family. I was close to my parents and my maternal grandmother- she was like a mother to me when I was growing up. I was also an active and trusting young child and an excellent student."*

S.H.: What was your life like after your childhood sexual abuse?

Response: *"I was angry at my parents because they were not present to protect me from the sexual abuse. I also felt dirty in the eyes of God, since I was involved in sexual behavior. As a teenager I felt angry at myself, since I felt that I let it happen. As well, I felt shame, suppressed my feelings and had poor self-esteem. Notwithstanding these issues, I never used illicit drugs or received any treatment for my abuse,*

since counseling was frowned upon in my family. I tried to boost my self-esteem by immersing myself in school and achieving excellent grades.

I continued to live with my family after my abuse, until I got married at 19. I have had a problem with my excessive weight since my childhood and have suffered with lower back pain and arthritis for many years. I don't know if these health conditions are related to my childhood sexual abuse.

As well, I have enjoyed a loving relationship with my parents and children. However, I found myself to be an overprotective mother."

S.H.: What formal healing intervention, if any, did you participate in as a result of your childhood sexual abuse?

Response: *"I never participated in any formal treatment for my childhood sexual abuse, however, in 2011 I started volunteering at TGH as a group peer-support facilitator with adult female survivors of childhood sexual abuse. To date I have facilitated over 25 groups, and have found this to be healing, since in group we discuss sensitive issues such as anger, grief, trust, isolation and establishing healthy boundaries with others. I remember that initially I did a lot of crying after the group sessions, since there were many triggers raised in group. In TGH groups I also learned and practiced various coping techniques to deal with the stress that comes from dealing with the abuse."*

S.H.: How would you describe your life now?

Response: *"Today I am a successful professional and have raised two beautiful children. I continue to enjoy a close relationship with my family. And I practice daily some of the coping techniques I had learned at TGH, namely, mindful-meditation, visualization and yoga. Finally, my strong belief in God helps me cope in my life"*

S.H.: What have been the greatest challenges and successes in your life?

Response: *"My greatest challenge has been coping with my triggers to my childhood sexual abuse. My greatest success has been raising my two children."*

S.H.: What are the most important things you would like other to know?

Response: *"I would like survivors and others to know that healing from childhood sexual abuse is a life-long journey; survivors are not responsible for*

their abuse; survivors are not alone in their suffering - support is available; to heal it is important to feel accepted by others; and a survivor's past is just that- it does not define who they are as human beings."

SURVIVOR #3 (MALE)

S.H.: Can you share with me some particulars of your childhood sexual abuse?

Response: *"I was sexually abused when I was 11 years old. The perpetrator was our neighbour - a male adult who also happened to be my cub leader. Looking back, I see the abuse was a predatory experience for me. I was 'groomed' by my abuser- he would tell me that I was special before and after he abused me. And after the abuse he asked me to keep the abuse a secret. When I was being abused I experienced a sense of paralysis. It was as if the abuse was happening in slow motion. During and after the sexual abuse incident I could not understand why he was sexually abusing me.*

I did not disclose my sexual abuse to anyone, including the police, for 25 years. I kept my abuse a secret for so many years because I felt shame and guilt and was afraid that if my parents found out, they would hurt my abuser and my entire family would fall apart. The first ones I disclosed it to were my parents and my siblings. Ten years later I disclosed the abuse to my wife. They accepted this bad news in an open way. This was a profoundly freeing experience for me."

S.H.: What was your life like as a child prior to your sexual abuse?

Response: *"I was a happy child and a bit of a 'joker'. I had a close relationship with my parents and my siblings. And I was a good student. I had great childhood friends and did not suffer from any mental disorders and did not use drugs or alcohol."*

S.H.: What was your life like after the sexual abuse?

Response: *"After the abuse I tried to figure out what had happened. I tried to make sense of the abusive incident. At that time I was also somewhat in denial of the whole matter.*

When I was sexually abused my voice was taken away from me and that was why I didn't tell anyone about the abuse for many years. I also became serious, aloof and isolated, and felt profound insecurity. My sense of self was jolted.

As a teen I would get upset easily and became more impulsive. However, I always got along with my parents and siblings. In my teens I also became more protective of my two younger sisters, especially if they were confronted by bullies."

S.H.: What formal healing intervention, if any did you participate in as a result of your childhood sexual abuse?

Response: *"I did not participate in any formal healing programs or counseling. However, TGH was very beneficial for me, since I facilitated many peer-support groups there. Sharing my deepest and most painful feelings with other survivors was therapeutic for me, and was a major part of my healing journey."*

S.H.: How would you describe your life now?

Response: *"Freedom on every level: free to think, free to do as I believe, free to move as I choose. I am overflowing with gratitude for the people I have been able to call friend"*

S.H.: What have been the greatest challenges and successes in your life?

Response: *"My greatest challenge has been integrating pain that I have been on the giving and receiving end of in my life, so that I grow as a healthy human being. My greatest success is being able to share my life with people I love."*

S.H.: What are the most important things you want others to know?

Response: *"In order to heal from childhood sexual abuse there are important things the survivor should know, including: all victims of childhood sexual abuse can transform trauma into triumph; victims have the strength and courage to embrace and then let go of pain - trauma never goes away on its own; victims have the capacity to address their anger, grief and shame; and in addressing the issues of grief, shame, guilt I have found that forgiving myself has been absolutely transformational in helping me grow as a person - forgiveness is one of the most complex elements and critical issues to explore in the process of transforming trauma; victims have the capacity to focus on their strengths; victims have the capacity to develop gratitude for the good things that happen in their lives; victims have the capacity to associate with people who are caring and empathetic; and victims have the capacity to learn and use coping skills that work for them when they are feeling anxious or depressed. Ultimately, personal transformation is doable. And in one's own journey of transformation*

they will be paving a way for others to also engage in their unique journey of transformation.”

SURVIVOR #4 (FEMALE)

S.H.: Can you share with me some particulars of your childhood sexual abuse?

Response: “I was sexually abused from age 3 or 4 until my late teens. My abusers were my older brother and family acquaintances. I was ‘groomed’ by my abusers, before they violated me sexually. I did not report my sexual abuse to the police, school staff or other authorities, since the trauma affected my voice and shut me down. And I was afraid that it would happen again to me if I reported it. I also feared that my father would kill my brother and did not want that on my conscience. As a child none of it made sense to me.

However, in 1998, when I was pregnant, I told my husband at the time of my childhood sexual abuse. He said he believed me, but was not supportive and empathetic. This also shut me down. Subsequently, many years later, in 2010, I told my parents of the abuse, which shocked them. This resulted in a mutual separation between me and my parents for seven years. Notwithstanding this unfortunate event, telling my parents the truth about my sexual abuse was everything to me at the time. It was the beginning of my trauma healing.”

S.H.: What was your life like as a child prior to your sexual abuse and in your teen years when you were being abused?

Response: “Before I was sexually abused I was a confident child. Once the abuse started I lost my voice; I shut down; I lost my confidence; I became an introvert; I was unable to fend for myself; and I felt shame and stress daily due to the sexual abuse.

At home I became more rebellious against my parents. Also, school and then employment became a struggle. Regarding dating boys, I often found myself in abusive relationships, where the boy would physically assault me. On the positive side, I enjoyed a close relationship with 3 of my 4 siblings.

As a child and a teenager I did not have any issues with alcohol or drugs. However, I did turn to food for emotional comforting. This is when my weight got out of control. Also, to reduce stress and anxiety I would read avidly, practice yoga and listen to music. Finally, and most importantly, I have always had a strong belief in God, and this is what stopped me from committing suicide.”

S.H.: What was your adult life like after your childhood sexual abuse?

Response: “I got married to a man I knew since I was 16 years old and we were married till 2016, when we divorced. My husband regularly physically abused me during the 20 year marriage. This escalated to the point where in 2009 my husband would strangle me daily. This in turn led to me having suicidal ideations that year”.

S.H.: What formal intervention, if any, did you participate in as a result of your childhood sexual abuse?

Response: “In my late thirties I saw a therapist 4 or 5 times. This was not very helpful. After that, in 2017, I attended the fifteen week, female adult peer-support group at TGH. This program provided substantial healing for me and taught me many important lessons, including the importance of finding one’s voice, establishing healthy personal boundaries, using various coping techniques, and being courageous in the healing journey. Upon completing the peer-support program I started facilitating groups at TGH as a volunteer. I find this to be part of my healing journey too and to this day I am still facilitating groups at TGH.”

S.H.: How would you describe your life today?

Response: “I am grateful for everything that has happened in my life. Also, I have forgiven my abusive brother completely, and to a lesser extent I have forgiven the other sexual abusers in my life. I have found that forgiving is liberating for me.

Since attending TGH in 2017, I feel much better about myself; I am calmer and more confident; and my self-esteem has risen every year. I practice several coping skills daily, namely yoga, mindful-meditation, and listening to soothing music.

As well, in 2017 I started up my own business, which I truly enjoy. I teach yoga and am a masseuse. I have also been in a healthy personal relationship with my boyfriend for the last few years. The last thing I would add is that I have found that hope is important for me in order to be happy.”

S.H.: What have been the greatest challenges and successes in your life?

Response: “My greatest challenges were to find my voice and to be able to set healthy personal boundaries with other individuals. My greatest successes are being able to become a more confident and trusting person.”

S.H.: What are the most important things you want others to know?

Response: *“I want others to know that courage, forgiving others and having hope are very important in the healing journey of a survivor.”*

CONCLUDING REMARKS

Childhood sexual abuse (CSA) is insidious criminal behavior that is widespread in Canada and unfortunately is rarely reported to the police. Hence, perpetrators cannot be meaningfully dealt with by the criminal justice system. CSA has a serious emotional impact on the victim and their families, but the Canadian criminal justice system essentially is not set up to assist victim-survivors.

It is clear from the four testimonials presented in this article that meaningful healing from childhood sexual abuse is possible. It can take place in peer-support groups (e.g., The Gatehouse®) and/or individual or group therapy and/or outside of a therapeutic setting. Healing from childhood sexual abuse involves continuous self-reflection and facing the trauma experienced head on. Finally, the healing journey is lifelong and is not easy.

While the survivors whose testimonials are included in this article are/were not involved with the criminal justice system, it is also true that “About half of Canada’s prisoners were abused as children (Craggs/CBC 2019). The trauma from childhood sexual abuse is causally linked to the development of mental health issues throughout the lives of survivors (CAMH, 2021). According to many researchers, a critical knowledge gap exists around the impact of childhood trauma on adult survivors. In relation to the criminal justice sector, researchers at McMaster University in Hamilton, ON are calling for more research – “to better understand the association between a history of childhood abuse and incarceration” (Urciuoli/Global, 2019). ■

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RÉSUMÉ

Childhood Sexual Abuse and the Canadian Criminal Justice System

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L’abus sexuel des enfants est un problème persistant, répandu et très important au Canada et dans le monde entier. Il touche aussi bien la sphère de l’intime que du social. Ce fléau existe depuis des temps immémoriaux et sa présence insidieuse ne connaît pas de frontières. L’abus sexuel des enfants ne se limite pas à un sexe, un statut socio-économique, une race, une culture, une ethnie ou une religion. Le traumatisme de l’abus sexuel dans l’enfance est réel et important pour de nombreuses victimes, tant du point de vue affectif, physique, financier que, parfois, spirituel. De plus, la famille, les amis, les employeurs et la communauté dans son ensemble sont souvent des victimes collatérales. Ce crime est le plus souvent perpétré par un membre de la famille ou un ami de la famille, mais il peut aussi s’agir d’une autre personne connue de la victime (Rapport Badgley, 1984). Malheureusement et pour de nombreuses raisons, bien des cas d’abus sexuels d’enfants ne sont pas signalés à la police. Par conséquent, de nombreux abuseurs ne sont pas arrêtés et ne sont donc jamais inculpés ni traduits devant les tribunaux (Martin et Silverstone, 2013). Quand ce crime n’est pas signalé, les victimes ne reçoivent pas le soutien dont elles ont besoin pour composer avec leur traumatisme. Et l’agresseur n’est pas arrêté. Plusieurs raisons expliquent pourquoi bien des cas d’abus sexuels d’enfants ne sont pas déclarés, entre autres, le sentiment de honte et souvent de culpabilité (auto-culpabilisation) des victimes, ainsi que la peur de ne pas être cru ou de subir des représailles de la part de l’agresseur. Les victimes peuvent également craindre de détruire leur famille ou d’être abandonnées, voire ostracisées et traitées de menteuses par les membres de leur famille et leurs amis.

Incarcerated Women and PTSD: The Societal Struggles that Contribute to Women's Trauma

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For women in conflict with the law, posttraumatic stress disorder (PTSD) presents a challenge to reintegration in their communities. The large number of women in custody who are affected by PTSD is closely related to high rates of trauma experienced over the course of their lifespans. Without the proper institutional resources and access to treatment, women suffering from PTSD can face insurmountable obstacles to avoiding recidivism upon release. The effectiveness of the mental health programs currently in place is not measured, which significantly limits our ability to review the current status of treatments for women in Canadian carceral facilities. Resources in the community must be improved and aligned with treatment received in prison to allow more ready access to women upon release. As the issue of PTSD and the justice system is interdisciplinary, this will require cooperation of many practitioners and new ways of collaborating in order to effect meaningful change.

Individuals with a criminal record may face many challenges in society, including obtaining employment or housing (Gunnison & Helfgott, 2011). Before having to face time as prisoners in a correctional facility, many are already afflicted with trauma and other mental health issues. Traumatic experiences can lead posttraumatic stress disorder (PTSD) to develop in some, which in turn affects their overall ability to benefit from rehabilitation while incarcerated or upon release. The development of PTSD is aggravated by the presence of ongoing trauma, which can present its own roadblocks to rehabilitation and increase the likelihood of recidivism, especially for women.

PTSD can be a psychiatric disorder that forms in response to a traumatic experience. The current lack of agreement about PTSD symptoms (Lazarov et al., 2019) is disquieting. In the United States, the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5) lists the following criteria for a diagnosis of PTSD:

“PTSD is characterized by the development of symptoms such as avoidance, intrusion,

negative alterations in cognitions and mood, and alterations in arousal and reactivity as a result of a traumatic event, which may include threat of death, serious injury or sexual violence” (Cabell et al., 2019, p. 54).

According to one Canadian psychologist, however, the “lack of public oversight into the merits of DSM-V methodologies represents a critical gap in policy” (Friel, 2021, p. 18). Dr. Friel (RPsych, AB) warns that the practice of categorizing children, teens, or adults with mental health issues on the basis of what he considers overly broad groups of symptoms is risky (Friel, 2020, pp. 16-18).

For incarcerated women, the trauma tends to have begun early in life, with around 66 to 75 percent reporting traumatic events in childhood (Caravaca-Sánchez et al., 2021). Approximately 41 percent had experienced physical abuse in childhood, 39 percent experienced sexual abuse, and 8 percent had experienced emotional abuse (Caravaca-Sánchez et al., 2021). One study, by Bridges et al. (2020), suggests that women who experienced sexual assault are relatively more likely to develop

PTSD. Female victims of sexual assault had a PTSD rate of around 31 percent compared to 10 percent for those who were not.

GAPS IN THE LITERATURE ON THE TOPIC OF PTSD IN INCARCERATED POPULATIONS

Men also experience trauma, but from very different factors. Men are reportedly more likely to witness physical harm being done to another, generally during their adolescent years (Komarovskaya et al., 2011). Women are more likely to themselves experience interpersonal violence, especially of a sexual nature and across their lifespan (Komarovskaya et al., 2011). This latter is a stronger PTSD predictor (Komarovskaya et al., 2011). Incarcerated women are also significantly more likely than incarcerated men to be diagnosed with PTSD, with rates of around 40 percent and 12 percent respectively (Komarovskaya et al., 2011). However, a study by Wolff et al. (2015) found the rate of PTSD amongst incarcerated men to be 33 percent. There are many gaps in the literature on the topic of PTSD in incarcerated populations and information is thus based largely on self-report measures, which may account for some of the discrepancies related to gender (Wolff et al., 2014).

Some research into incarcerated men diagnosed with PTSD has turned up similar results as for women, with trauma occurring across the lifespan and playing a significant role in the development of mental health issues (Wolff et al., 2014). Trauma is not a gender-specific concept; men also need support processing their experiences to lead a healthier life. While numbers of incarcerated women who have experienced sexual assault can hover around 40 percent (Caravaca- Sánchez et al., 2021), the rates reported for men are much lower, even when in conjunction with other serious mental illness diagnoses (Wolff et al., 2014). Only 18.6 percent of men out of a sample of 269 reported having sex against their will at some point in their lifespan, and 22.6 percent out of 162 men who also had serious mental health disorders reported forced sexual activity (Wolff et al., 2014). A major consideration is that it is possible that men are less likely to report sexual abuse, and this may contribute to underreported statistics.

SOCIAL PROBLEMS RELATED TO VIOLENCE AGAINST WOMEN PLAY A LEADING ROLE

The statistics surrounding sexual assault for women in general are alarming, with almost one in six women in the United States (Heath et al., 2013) and

almost one in three women in Canada experiencing sexual assault (Canadian Women's Foundation, n.d.). Men also experience sexual violence, but the reported rates are much lower. Out of a sample of 11 million Canadians who experienced assault, 30 percent of women and only 8% of men reported the assault had been sexual (Statistics Canada, 2019). Sexual assault reports are well known to produce statistics much lower than what likely occurred; this can be due to situational factors, such as the victim's relationship with the criminal abuser and also to the stigma associated with being a victim (Heath et al., 2013).

The reported statistics of women in correctional institutions who have experienced sexual assault closely mirrors the rate of sexual assault experienced by women in general. The main difference is that the expression of PTSD in both populations is not similar at all. This may be a sign of other mitigating factors, such as that access to mental health resources or therapeutic treatments are more readily accessible to women who are not in conflict with the law (Lynch & Heath, 2017). In the United States, , "[t]he criminal justice system has become a mental health safety net for some of the poorest and most vulnerable women" (Harner et al., 2015, p. 58).

BETTER UNDERSTANDING AND TREATMENTS FOR PTSD ARE NEEDED TO COMBAT RECIDIVISM

Sexual assault is more commonly committed amongst women, and trauma treatment/therapy is an important part of healing and recovery. For women in custody, this can mean the difference between recidivism and reintegration into the community. Mental health challenges can serve as a barrier to seeking alternative choices upon release and leads to high rates of recidivism (Lynch & Heath, 2017) found that women who are released to their communities without PTSD "are less likely to have a drug relapse or recidivate" (Harner et al., 2015, p. 63). This is important when one considers studies showing that up to 60 percent of women commit another offence within three years of their release and are reincarcerated (Lynch & Heath, 2017).

Only a moderate number of incarcerated women access the available mental health service programs; 48 percent of women with and without a diagnosis of PTSD had actively accessed services (Harner et al. (2015) p. 64). It important to note that measuring how many individuals accessed services is not the same as evaluating the quality

or effectiveness of treatment received (p. 63). In addition, this data had been collected on a self-report basis, which does not give total service access (p. 65). For women who accessed counseling services upon their release, many reported no improvements in mental health and that the amount of effort spent on accessing mental health resources “negatively impact[ed] re-entry success” (Lynch & Heath, 2017, p. 168).

Whether or not women should access mental health services for trauma-related experiences while in prison meets with mixed opinions. For example, some opine that asking women on the verge of being incarcerated to relive or recall traumatic experiences could be harmful (Bridges et al., 2020). On the other hand, engaging in early treatment might allow women to better connect and share their trauma with peers. Improving such mental health outcomes will also mean increased opportunity in other programming (Bridges et al., 2020). Women’s ability to learn new work and life skills while incarcerated is vital to post-release success. Effective mental health treatment can help remove roadblocks while inside and also those faced when reintegrating to society.

CONCLUDING REMARKS

The dearth of research into PTSD among citizens, and especially those in contact with the criminal justice system, makes it hard to identify effective mental health treatments for PTSD. Some studies assessing mental health measures related to PTSD fail to consider the /quality/success of treatment the women had received (Lynch & Heath, 2017, p. 168; Harner et al., 2015, p. 63), making models and program effectiveness hard to analyze. Treatments useful for everyday citizens are not always as effective when applied within a correctional setting (Harner et al., 2015, p. 63). This could present challenges to practitioners in prisons and lead to less-effective therapy. Prolonged exposure, a type of cognitive-behavioural psychological therapy that teaches people to slowly recall and face traumatic memories, is generally accepted as the most effective form of treatment for PTSD for incarcerated women; but this may be due to it being the most frequently studied (Harner et al., 2015, p. 65). Given the prevalence of PTSD among female prisoners, there is a startling gap in knowledge about treatment and this may help explain the associated poor release outcomes.

As it currently stands, incarcerated women share many of the same problems that can prevent positive outcomes upon release for men but are disproportionately struggling with mental health and trauma. PTSD is more prevalent among incarcerated females than males. Women report interpersonal violence as a source of trauma, while for men it is witnessing violence (Komarovskaya et al., 2011, pp. 403-404). This presents multifold challenges across the board. The health of a society decreases and the burden on its resources increases when any portion of an incarcerated population is released to their community in an unhealthy state. In addition, the resources put into the carceral rehabilitation programs received are lost.

The impacts of social attitudes towards violence against women in society cannot be understated and add strain to those afflicted by trauma. The need for proper treatment must not only be identified but provided mandatorily as part of CSC’s rehabilitation mandate. Comprehensive logging of program success and post-release follow up are essential to program evaluation in prisons. However, until social attitudes about women are addressed, successful return to the community will always be harder for women, which illustrates that part of the problem is beyond the scope of criminal justice. ■

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RÉSUMÉ

Incarcerated Women and PTSD: The Societal Struggles that Contribute to Women’s Trauma

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Pour les femmes en conflit avec la loi, le syndrome de stress post-traumatique (SSPT) est une entrave à leur réintégration sociale. Le grand nombre de femmes en détention sont victimes du SSPT, car elles ont connu des taux élevés de traumatismes au cours de leur vie. Sans les ressources institutionnelles voulues et sans accès à des traitements, les femmes souffrant du SSPT peuvent avoir beaucoup de difficulté à ne pas récidiver après leur libération. À l'heure actuelle, on ne mesure pas l'efficacité des programmes de santé mentale qui sont en place, ce qui limite considérablement notre capacité à évaluer la situation quant aux traitements offerts aux femmes dans les établissements carcéraux canadiens. Les ressources dans la collectivité doivent être améliorées et arrimées aux traitements offerts en prison. Les femmes auraient ainsi plus facilement accès à des soins après leur libération. Étant donné que les questions touchant le SSPT et le système de justice sont interdisciplinaires, il faudra compter sur la coopération de nombreux praticiens et sur de nouvelles façons de collaborer pour susciter des changements de fond.



AGENDA

THE 5TH WORLD CONGRESS ON PROBATION AND PAROLE is organized by the Canadian Criminal Justice Association in collaboration with the Confederation of European Probation, Correctional Service of Canada, International Corrections and Prisons Association, Parole Board of Canada, Public Safety Canada, and the Royal Canadian Mounted Police.

LE 5^E CONGRÈS MONDIAL SUR LA PROBATION ET LA LIBÉRATION CONDITIONNELLE est organisé par l'Association canadienne de justice criminelle en collaboration avec la CEP, l'ICPA, le Service correctionnel du Canada, la Commission des libérations conditionnelles du Canada, et la Gendarmerie royale du Canada.

Sunday / Dimanche

September 25 septembre 2022

11:00am

Peace Officer Memorial (Parliament Hill)**Monday / Lundi**

September 26 septembre 2022

**Open day
/ Journée libre****City Tours & Visits**

Canadian Museum of History, Canadian War Museum, Gatineau Park, House of Commons, National Gallery of Canada, Parliament Hill Evening Light Show

Tuesday / Mardi

September 27 & 28 septembre 2022

**Open day
/ Journée libre****Study Tours & Visits / Visites et Visites d'études****• Kingston Tour Opportunities (2 offerings of each tour)**

Departure Time: 8:00am

Tour Times: 10am–12pm and 1pm–3pm

Tour: Collins Bay Institution

Tour: Kingston Penitentiary / Corrections Museum

8:00am

• Ottawa Tour (Tuesday/Wednesday)

Ottawa Area Halfway Houses & Ottawa Parole Office

Observe Parole Board of Canada Hearing / Assister aux audiences de la Commission des libérations conditionnelles du Canada (CLCC) (2 offerings x FR/ENG)

Wednesday / Mercredi

September 28 septembre 2022

1:00pm

Registration Opens (Delta Hotel Ballroom Foyer)**/ Ouverture des inscriptions (Foyer de la salle de bal de l'hôtel Delta)****CONGRESS DAY ONE / PREMIER JOUR DU CONGRÈS****Thursday / Jeudi**

September 29 septembre 2022

7:00am – 8:00am

Breakfast / Petit-déjeuner

8:30am – 9:15am

► BALLROOM
SALLE DE BAL
A & B**Opening ceremony / Cérémonie d'ouverture****• National Anthem & Indigenous Opening Ceremony****• Welcome and Opening Remarks**Speakers / Conférenciers

Jennifer Oades, Chair, Parole Board of Canada

Gerry McNally, President, Confederation of European Probation

Irving Kulik, Executive Director, Canadian Criminal Justice Association

9:15am – 10:15am

► BALLROOM
SALLE DE BAL
A & B**Keynote Speaker / Conférencier d'honneur**

Dr. Frank Porporino (CANADA)

Can Less Correctional Control Give Us More Public Safety: Working to Make Community Options More Effective

10:15am – 10:45am

Health Break / Pause santé

10:45am – 12:45pm

► BALLROOM
SALLE DE BAL
A & B**Roundtable / Table ronde***Global Perspectives: An Overview of the State of Community Corrections*Speakers / Conférenciers1 ♦ *The Irish System and the Origins of Parole*, Gerry McNally (IRELAND)2 ♦ *Towards a process theory of Re-Entry in Romania*, Ioan Durnescu (ROMANIA)3 ♦ *Value of Community Volunteers Supporting Offender Re-Integration*, Shoji Imafuku (JAPAN)

10:45am - 12:45pm 4 ♦ Brian Lovins (USA) (Pres. APPA) (TBC) - Moderator

12:45pm - 1:30pm Lunch / Diner

1:30pm - 3:30pm

A1-A7 Concurrent Sessions / Sessions concurrentes

Presenters / Présentateurs

A1-1 ♦ *French State of Play: Strategies, Challenges, and Limits (Presented in French / Présentée en français)*
Claire Merigonde & Delphine Deneubourg (FRANCE)

A1-2 ♦ *A1-2: Safety as a Product: A New Narrative for Probation and Public Acceptance of and Inclusion of Offenders*
Jochum Wildeman, Imants Mozel, & Koen Goei (NETHERLANDS)

A1-3 ♦ *Supervising High Risk Offenders in the District of Columbia*
Yolanda Bethea & Dr. Debra Kafami

A2 ♦ *Care and Management of Gender Diverse Offenders; Profile of Federal offenders in Canada with Self-Identified Gender Considerations; and Offenders with Gender Considerations; Operational Challenges and Knowledge Gaps*
Andrea Moser, Shanna Farrell MacDonald, Angela Smith, Sarah Cram, Dena Derksen & Luc Bisson (CANADA)

A3-1 ♦ *The Meaning & Perspective of Offenders Rehabilitation Facility in Japan*
Sakiko Ishida (JAPAN)

A3-2 ♦ *Probation and Mediation Under the Roof of One Organization. How Does it Work?*
Andrea Matoušková (CZECH REPUBLIC)

A3-3 ♦ *When One Plus One is More Than Two? Building Partnerships and Facilitating Community Involvement in the Probation Work in Latvia*
Anvars Zavackis & Imants Jurevicius (LATVIA)

A4-1 ♦ *Improving Risk Assessment and Protective Factors in Relationship with Ethnic Diversity in the Romanian Probation System*
Cristina Gheorghe & Marian Badea (ROMANIA)

A4-2 ♦ *Offenders from Minority Groups*
Jana Špero (CROATIA)

A4-3 ♦ *The Community Supervision Experiences of Justice-Involved Persons Belonging to Ethnocultural Groups*
Sara Johnson & Mansanga Tanga (CANADA)

A5-1 ♦ *Parole Board of Canada and Correctional Service of Canada - Strengthening Partnerships in Federal Victim Services in Canada*
Lisa Saether, Tara George & Ian Broom (CANADA)

A6-1 ♦ *Getting Out. Staying Out.*
Melissa Munn & Rick Sauvé (CANADA)

A6-2 ♦ *A Personal Account of Life Spent In and Out of Prison*
Jennifer Bryce & Doug Heckbert (CANADA)

A7-1 ♦ *Georgia's Innovative Device for Providing Electronic Control and Services to Probationers*
Buba Lomuashvili (GEORGIA)

A7-2 ♦ *Georgia's New Software for Risks and Needs Assessment*
Vladimer Kheladze (GEORGIA)

A7-3 ♦ *A Comprehensive Approach to Support the Resocialization and Rehabilitation Process of Probationers*
Iason Nachkebia (GEORGIA)

3:00pm - 3:30pm Health Break / Pause santé

3:30pm - 5:00pm	<p>B1-B3 Concurrent Sub-Plenary Sessions / Sous-plénières concurrentes <i>Building Capacity</i> <u>Presenters / Présentateurs</u></p> <p>B1 ♦ <i>Building Service & Community Capacity: Learning from International Experience</i> Stephen Pitts & Leo Tiggs (UK)</p> <p>B2 ♦ <i>(APAI) – Professional Collaboration: A Success Story for Discretionary Parole</i> Ashley Koonce, Sylvie Blanchet, Jonathan Ogletree & Jennifer Shaffer</p> <p>B3 ♦ <i>Implementation, Fast & Slow: The Tale of Evidence-Based Practices in Two Agencies</i> William D. Burrell, Julie Micek & Wade Warren (USA)</p> <p>B4 ♦ <i>Film Viewing / Visionnage de film: Inside Peace</i> Michel Klamph & Willow Baker (USA)</p> <p>B5 ♦ <i>Film Viewing / Visionnage de film: Eden House</i> Suki Binning (ENGLAND)</p> <p>B6 ♦ <i>Film Viewing / Visionnage de film: A Two-Way Street: Valuing the Role of VPOs in Raising Public Understanding of Probation Work</i> Dr. Kerstin Ashauer & Dr. Alexander Vollbach (GERMANY)</p>
6:00pm - 8:00pm	Reception / Réception: Penthouse
CONGRESS DAY TWO / DEUXIÈME JOUR DU CONGRÈS Friday / Vendredi September 30 septembre 2022	
7:00am - 8:00am	Breakfast / Petit-déjeuner
8:00am - 8:50am	Visit our Exhibitors – Sponsors & Posters / Visitez nos Exposants - Commanditaires et Affiches scientifiques
9:00am - 10:00am ▶ BALLROOM SALLE DE BAL A & B	<p>National Day for Truth and Reconciliation / Journée nationale de la vérité et de la réconciliation</p> <p>Indigenous Welcome / Mots de bienvenue aux Autochtones <u>Keynote Speaker / Conférencier d'honneur</u> <i>Dismantling Systemic Racism</i>, Robert S. Wright, MSW, RSW, Executive Director of The Peoples' Counselling Clinic</p>
10:00am - 10:30am	<p>Health Break / Pause santé</p> <p>Visit our Exhibitors – Sponsors & Posters / Visitez nos Exposants - Commanditaires et Affiches scientifiques</p>
11:00am - 12:30pm	<p>C1-C3 Concurrent Sub-Plenary Sessions / Sous-plénières concurrentes <i>Adapting Community Supervision Practices</i> <u>Presenters / Présentateurs</u></p> <p>C1 ♦ <i>Diversity, Gender & Parole Decision Making in Canada</i> Sarah Byron, Karley Scott, Patrick O'Brien & Sylvie Blanchet (CANADA)</p> <p>C2-1 ♦ <i>Elderly People in Conflict with the Law (EPCIU): The Challenges Upon Returning to the Community</i> Michel Gagnon & Marina Reveli (CANADA)</p> <p>C2-2 ♦ <i>Correctional Service of Canada - Addressing the Needs of Older Persons in Custody</i> Ginette Clarke (CANADA)</p> <p>C3-1 ♦ <i>Training, Implementing, and Evaluating Evidence-based Practice for Community Supervision</i> James Bonta, Guy Bourgon & Bill Small (CANADA)</p> <p>C3-2 ♦ <i>Defining the Value of Volunteers in Corrections with Correctional Service of Canada</i> Katherine Cole (CANADA)</p>

12:30pm - 1:00pm	Lunch / Diner Visit our Exhibitors – Sponsors & Posters / Visitez nos Exposants - Commanditaires et Affiches scientifiques
1:00pm - 2:30pm ► BALLROOM SALLE DE BAL A & B	Keynote Speakers / Conférenciers d'honneur Growing Challenges of Mental Health ♦ <i>Probation & Mental Health</i> , Charles Brooker (ENGLAND) ♦ <i>Supporting Mental Health Within Canada's Criminal Justice System</i> , Sandra Koppert, Amy Fogarty & Krystal Kelly (CANADA)
2:30pm - 3:00pm	Health Break / Pause santé
3:00pm - 4:15pm	D1-D8 Concurrent Sessions / Sessions concurrentes Presenters / Présentateurs D1-1 ♦ <i>Not Criminally Responsible Misconceptions and the Path Forward</i> John Winterdyk & Catharine Pandila (CANADA) D1-2 ♦ <i>The Meaning of Life for Those Convicted of Second-Degree Murder: Time in Prison before Parole</i> Debra Parkes (CANADA) <hr/> D2-1 ♦ <i>Treatment of Offenders with Mental Health Problems in Japan</i> Ayaka Takai (JAPAN) D2-2 ♦ <i>Building Community Capacity for Justice-Involved Individuals with Mental Health Treatment Needs</i> Cherie Townsend & Sonya McLaren (IACFP) (USA, CANADA, SCOTLAND, BELGIUM) <hr/> D3-1 ♦ <i>Supervision Around the World</i> Julie Truschel (USA) D3-2 ♦ <i>Penal Reform Alt Eur: Promoting Non-Discriminatory Alternatives to Imprisonment Across Europe</i> Tanja Dejanova (NETHERLANDS) <hr/> D4-1 ♦ <i>Risk Factors for Suicide in a Probation Population</i> Georgia West (ENGLAND) D4-2 ♦ <i>Managing Loneliness Among Offenders Re-Entering their Communities</i> Eddy Elmer (CANADA) D4-3 ♦ <i>Penal Organization Behaviour: What are the Pros and Cons of Bureaucracy and Adhocracy?</i> Michael Taylor (CANADA) <hr/> D5-1 ♦ <i>Methodology to Engage Civil Society Organizations in the CJS</i> Cardoso Leitao Tiago (PORTUGAL) D5-2 ♦ <i>"Go Ahead and Shoot Me" Realities of how Public is Left Out of Realities of Probation and Criminal Justice Processes</i> Doug Heckbert (CANADA) <hr/> D6-1 ♦ <i>LEAP: Programming for the Brain-Injured Impacted by the CJS</i> Melissa Vigar & Katie Manikas (CANADA) D6-2 ♦ <i>Fingerspelling is not Enough for Deaf Offenders</i> Tracey Bone (CANADA) D6-3 ♦ <i>Moving Stories/Expressing Trauma Through Movement</i> Suzanne Costello (USA) <hr/> D7-1 ♦ <i>Learning from a Pandemic: Probation in England and Wales</i> Sarah Chand & Jessica Sondhi (UK) D7-2 ♦ <i>Resilience of Romanian Probation Counselors in the Context of the COVID-19 Pandemic</i> Mihaela Tomita (ROMANIA) D7-3 ♦ <i>A Partnership in Safety: Correctional Service of Canada and SolusGuard</i> Serese Selanders (CANADA)

- D8-1 ♦ *Demonstrating the Value of Working with Student Volunteers in CSC*
Tina Evans & Alicia Mora (CANADA)
- D8-2 ♦ *Firm Foundations 4.0: How Well-Trained, Supervised Community Volunteers Reinforce Modern Probation Work*
Dr. Kerstin Ashauer & Dr. Alexander Vollbach (GERMANY)

4:15pm - 4:30pm	Transition time to Concurrent Sessions / Temps de transition entre sessions concurrentes
4:30pm - 5:30pm	<p>E1-E6 Concurrent Sessions / Sessions concurrentes <u>Presenters / Présentateurs</u></p> <p>E1-1 ♦ <i>Peace Education Program</i> Appleel Klamph (CANADA) & Willow Baker (USA)</p> <p>E1-2 ♦ <i>The Price of Mistrust: The Working Alliance as Predictor for Recidivism</i> Michael Sturm (NETHERLANDS)</p> <hr/> <p>E2-1 ♦ <i>Using IT Capabilities for Knowledge Management in Probation and Parole</i> Popko de Vlugt (NETHERLANDS)</p> <p>E2-2 ♦ <i>Remote Probation Supervision During COVID</i> Renée Henskens (NETHERLANDS)</p> <p>E2-3 ♦ <i>Leveraging Technology for Effective Supervision</i> Scott Maurer & Phil Sellers (USA)</p> <p>E2-4 ♦ <i>Community Corrections : An Interactive Discussion on Key Features Around the World</i> Dr. Danijela Mrhar Prelic</p> <hr/> <p>E3 ♦ <i>Just like the Deviant, the Normal is Someone so Labelled</i> Esmorie Miller (ENGLAND)</p> <hr/> <p>E4-1 ♦ <i>Parole Success Factors</i> Jackie Omstead & Emilie Coyle (CANADA)</p> <p>E4-2 ♦ <i>Why Time Matters</i> Bert Flewellen & Tamara Stubbs (USA)</p> <hr/> <p>E5-1 ♦ <i>A Multiagency Approach with Young Probation Clients</i> Pia Andersson (FINLAND)</p> <p>E5-2 ♦ <i>Risk and Protective Factors as Predictors for Juvenile Delinquency</i> Mihaela Tomita & Roxana Ungureanu (ROMANIA)</p> <p>E5-3 ♦ <i>Supporting Successful Integration of Serious Juvenile Offenders by Assisting Desistance Processes</i> Marie-Pierre Villeneuve (CANADA)</p> <hr/> <p>E6-1 ♦ <i>Supporting Indigenous Women on Probation and Parole: A Decolonizing Approach</i> Gabriel, Pamela Gabriel-Ferland (CANADA)</p> <p>E6-2 ♦ <i>Indigenous Offenders Reintegration</i> Marie-Ève Zrihen (CANADA)</p>
6:30pm - 10:00pm ► BALLROOM SALLE DE BAL A & B	<p>Banquet</p> <p>Keynote Speakers / Conférenciers d'honneur <i>The Upcoming 6th World Congress / Le 6^e congrès mondial à venir</i> Johan Bac & Jochum Wildeman (NETHERLANDS)</p>
CONGRESS DAY THREE / TROISIÈME JOUR DU CONGRÈS Saturday / Samedi October 1 octobre 2022	
7:00am - 8:00am	Breakfast / Petit-déjeuner
8:00am - 8:45am	Visit our Exhibitors – Sponsors & Posters / Visitez nos Exposants - Commanditaires et Affiches scientifiques

8:45am – 10:00am

► BALLROOM
SALLE DE BAL
A & B

DISCUSSION (Presented in French and English / Présentée en français et en anglais)

Partnerships in Criminal Justice

Presenters / Présentateurs

Annie Devos, Vice-President, Confederation of European Probation & Anne Kelly, Commissioner, Correctional Service of Canada

10:00am – 10:30am

Health Break / Pause santé

**Visit our Exhibitors – Sponsors & Posters / Visitez nos Exposants - Commanditaires
et Affiches scientifiques**

10:30am - 12:00pm

F1-F7 Concurrent Sessions / Sessions concurrentes

Presenters / Présentateurs

F1 ♦ *Community Corrections: An Interactive Discussion on Key Features Around the World*

Ioan Durnescu, Faye S. Taxman & James Byrne (ROMANIA & USA)

F2-1 ♦ *What Works in the Social Reintegration and Support of High-Risk Offenders*

Cliff Yumansky, CoSA

F2-2 ♦ *Walking Alongside Victims and Survivors of Crime*

Celine Lee (CANADA)

F2-3 ♦ *Specialized Probation Workers with Victims*

Hans Dominicus & Tamara Küpper (BELGIUM)

F3-1 ♦ *La Gestion des Détenus dits « radicalisés » au-delà de l'idéologie (Presented in French / Présentée en français)*

Maria Mourani (CANADA)

F3-2 ♦ *Chess for Life*

Patricia Gamliel (CANADA)

F3-3 ♦ *Principle of Restraint in Pretrial Procedures and Application in Crafting Appropriate Probation Orders*

François Boillat-Madfouny (CANADA)

F4-1 ♦ *The 7th Step Society Peer Support Training Program*

Peter Brown, George Myette, and Steven Deveau (CANADA)

F4-2 ♦ *CSC's CORCAN Community Industries*

Kelly Hartle, Kevin Arsénault & Pierre Carmona (CANADA)

F5 ♦ *Risk, Risk Management Policies, and Individuals Convicted for a Sex Crime: Looking Back and Moving Forward Through the Lens of Social Science*

Patrick Lussier, Evan McCuis, Jean Proulx, Julien Frechette & Stéphanie Chouinard Thivierge (CANADA)

F6-1 ♦ *The Real Vulnerabilities of Incarceration: The Case of Young and Female Offenders in the Criminal Justice System in Ghana*

Shaibu Al-Hassan (GHANA)

F6-2 ♦ *The Profiles of the Girls Under the Criminal Justice System. A Case Study from an Educational Center in Romania*

Roxana Ungureanu (ROMANIA)

F6-3 ♦ *A Swedish View on Youths in Probation: A New Legislative Measure*

Emma Ekstrand & Håkan Zandén

F7-1 ♦ *Optimal Population Management*

Mohammad Shahabsafa, Tamás Terlaky & Anshul Sharma (USA)

F7-2 ♦ *Non-Custodial Measures: A Novel Approach to Penal Management in Nigeria*

Oluwarotimi Bablola, Kelvin Abuchi Ugwuoke & Oluwayomi Jacob Agunbiade (NIGERIA)

F7-3 ♦ *Ways to Reduce Prison Overcrowding*

EAD Anusha Edirisinghe & Prasanna Dharmapriya (SRI LANKA)

12:00pm – 1:00pm

Lunch / Diner

**Visit our Exhibitors – Sponsors & Posters / Visitez nos Exposants - Commanditaires
et Affiches scientifiques**

1:00pm – 2:00pm

► BALLROOM
SALLE DE BAL
A & B

Roundtable / Table ronde

Community Correctional Policies and Practice: Past, Present & Future

Speakers / Conférenciers

- 1 ♦ *Nearly 200 Years Working in Communities: The Story of the Dutch Probation Service*,
Johan Bac & Erik Corten (NETHERLANDS)
- 2 ♦ *No one is Left Behind in Our Correctional World! Who and Why Influence the Penal Policies Transfers in Europe?*, Iuliana Elena Carbutaru & Ioana Mihaela Morar (ROMANIA)
- 3 ♦ *Community Sanctions: Norway's version*, Heidi Bottolfs & Jan-Erik Sandlie (NORWAY)

2:00pm - 2:30pm

Health Break / Pause santé

2:30pm - 3:45pm

G1-G3 Concurrent Sessions / Sessions concurrentes

Presenters / Présentateurs

- G1 ♦ *Effective Communication During the First 30 - 90 Days of Supervision*
Joe Winkler (USA) F.A.C.E. I.T.
- G2 ♦ *Operation Springboard (Canada) - Engaging Youth Online: HUB Digital Solutions*
Alison Burkett
- G3-1 ♦ *The Community Sentence in Republic of Korea*
Yoon Woong-Jang (KOREA)
- G3-2 ♦ *How Citizen Advisory Committees Support the Reintegration of Offenders*
Eddy Elmer & Swayam Chandra (Canada)
- G4 ♦ *Film Viewing / Visionnage de film: Inside Peace*
Michel Klamph & Willow Baker (USA)
- G5 ♦ *Film Viewing / Visionnage de film: Eden House*
Suki Binning (ENGLAND)
- G6 ♦ *Film Viewing / Visionnage de film: A Two-Way Street: Valuing the Role of VPOs in Raising Public Understanding of Probation Work*
Dr. Kerstin Ashauer & Dr. Alexander Vollbach (GERMANY)

4:00pm

► BALLROOM
SALLE DE BAL
A & B

Congress Closing Ceremonie

Cérémonie de clôture du congrès

4:30pm - 6:00pm

Special Program / Projets spéciaux

Poster Presentations (Open throughout Congress Breaks) Présentations d'affiches (Ouvert pendant les pauses du Congrès)

- PP1 ♦ *Through Widening Circles of Community Care and Developing Meaningful Re-integration Ceremonies, Countries Can Oppose Punitive Practices and Keep the Humanitarian Spirit Alive*
Sywester Matkowski (POLAND)
- PP2 ♦ *The World's Most Remote Community Service? Partnership Working and Building Community Capacity on the British Overseas Territory Island of St Helena (South Atlantic)*
Fiona Campbell & Laura Aston (UK)
- PP3 ♦ *Re-imprisonment of Women Drug Abusers with EAD*
Anusha Edirisinghe & P.R Jayasekara (SRI LANKA)
- PP4 ♦ *Working Party Report on Parole Process*
Tyrone Steele (UK)

CCJA AWARDS – CONGRESS 2022

CALL FOR NOMINATIONS

LES PRIX DE L'ACJP – CONGRÈS 2022

APPEL DE CANDIDATURES

Info/Nomination Forms - Info/formules de mise en candidature * ccja-acjp@rogers.ca

Deadline for nominations - Date limite de dépôt des candidatures * SEPTEMBER 1 SEPTEMBRE 2022

The awards will be presented at Congress 2022 - Les prix seront décernés au Congrès 2022 :

**THE SENATOR
EARL A. HASTINGS
AWARD**
★ ★ ★ ★ ★
**PRIX
SÉNATEUR
EARL A. HASTINGS**

To honour Canadians who do not work in justice but have made an outstanding contribution over many years to the Canadian criminal justice system.

Honorer des Canadiens et des Canadiennes qui n'œuvrent pas en justice mais qui ont apporté une contribution exceptionnelle pendant de nombreuses années au système de justice pénale canadien.

**WILLIE GIBBS
LIFETIME ACHIEVEMENT
AWARD**
★ ★ ★ ★ ★
**PRIX WILLIE GIBBS
POUR L'ENSEMBLE
DES RÉALISATIONS**

To recognize meritorious contributions by CCJA members to the improvement of Canada's criminal justice system.

Reconnaître les contributions méritoires des membres du CCJA à l'amélioration du système de justice pénale du Canada.

**PUBLIC EDUCATION
AWARD**
★ ★ ★ ★ ★
**PRIX D'ÉDUCATION
DU PUBLIC**

To recognize persons who contribute to a better understanding among Canadians of the nature and necessity of a humane and effective criminal justice system.

Reconnaître les personnes qui contribuent à une meilleure compréhension entre les Canadiens sur la nature et la nécessité d'un système de justice pénale humain et efficace.

**RESEARCH
AWARD**
★ ★ ★ ★ ★
**PRIX
DE RECHERCHE**

To recognize individuals or groups having conducted valid research that has led to significant improvement within the Canadian criminal justice system.

Reconnaître des individus ou des groupes ayant mené des recherches valides qui ont entraîné une amélioration significative au sein du système de justice pénale canadien.

**CRIME PREVENTION
AWARD**
★ ★ ★ ★ ★
**PRIX DE PRÉVENTION
DU CRIME**

To recognize individuals or organizations in Canada making significant contributions to the reduction of criminal behaviour and increased public safety.

Reconnaître les individus ou les organismes qui ont contribué beaucoup à la réduction du comportement criminel et à l'accroissement de la sécurité publique au Canada.

**CERTIFICATE
OF APPRECIATION**
★ ★ ★ ★ ★
**CERTIFICAT
D'APPRECIATION**

To recognize individuals, members or non-members, who have made a significant contribution to the achievement of CCJA objectives.

Reconnaître les individus, les membres ou les non-membres, qui ont apporté une contribution importante à la réalisation des objectifs du CCJA.

**RESTORATION
AWARD**
★ ★ ★ ★ ★
**PRIX DE
LA RÉCONCILIATION**

This award may be granted to victims or former offenders who have overcome the challenge of their past and made an exemplary contribution towards rehabilitation, restoration and a more humane and effective justice system.

Ce prix peut être décerné à une victime ou à un ex-délinquant qui est parvenu à évacuer les difficultés de son passé et qui a contribué de manière exemplaire au processus de réhabilitation ou de réconciliation ainsi qu'à la réalisation d'un système de justice plus humain et plus efficace.

**THE ANTONY HOLLAND
AWARD**
★ ★ ★ ★ ★
**LE PRIX
ANTONY HOLLAND**

To recognize and promote the contribution of theatrical arts to the achievement of a humane and effective criminal justice system.

Reconnaître et promouvoir la contribution des arts du théâtre à la réalisation d'un système de justice pénale humain et efficace.

Canada's Work to Assist the Development of Community Corrections in China: Significant and Long-Lasting Results

VINCENT C. YANG

Vincent C. Yang, Ph.D., is a Senior Associate and former Director of China Program at ICCLR in Vancouver. He was Professor of Law and Vice President of University of St. Joseph in Macau and served as an expert to the UN OHCHR. The opinions expressed in this article are those of the author only and do not reflect the opinions of ICCLR. Robert Brown, former Director of Correctional Program at ICCLR, kindly reviewed this article. CONTACT: yang@allard.ubc.ca

Dr. Vincent Yang of the ICCLR explains the ground-breaking role played by Canada in assisting China in the legal and policy development leading to the establishment of community corrections since 2002 and the introduction of the Community Corrections Law in China in 2019. The CIDA-funded Canada-China projects were initiated in 1997 and continued for over ten years. The Vancouver-based ICCLR and the China Prison Society organized high-level exchange visits, workshops and joint research publications for the sharing of Canada's best practices on community corrections. Two books of comparative studies were jointly authored and published by experts in Canada and China on community corrections. While the Canadian and Chinese systems clearly have fundamental differences, the long-lasting positive impacts of sharing Canadian best practices with Chinese reformers are significant and should never be understated, as evidenced by the rapid expansion of community corrections in China in the past two decades.

Many Chinese know this old dictum: *If you can't be friends with Canada, you probably can't be friends with anyone.*

Indeed, Canada has always been a most helpful friend to China. Everyone in China knows the story of Dr. Norman Bethune. Those who have learned the true history will remember the assistance China received from Canada -- 50 million dollars for obtaining military aid in WWII, 6 million tons of wheat and barley during the Great Famine in 1960-1962, and nearly 800 million dollars worth of development aid from the former Canadian International Development Agency (CIDA), to help China's modernization during the 1980s – 2014. In the 1990s-2000s, the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), a Vancouver-based think tank at the University of British Columbia, delivered a program to assist reforms in China's criminal justice system,

including projects to facilitate the development of community corrections.

Canada's work to assist China's development of community corrections as an alternative to incarceration started in 1997, when ICCLR's President Daniel Prefontaine, QC, Director of Corrections Programme Brian Tkachuk, and myself met with President Jin Jian of the China Prison Society (CPS), a national association of correctional officials and scholars, and Xiao Yang, the Minister of Justice of China. Chief Justice Xiao is considered an open-minded reformer because of his decisions to privatize the Chinese legal profession, create a legal aid system, set up anti-corruption agencies, and initiate court reforms. During a visit to Vancouver in 1997, Minister Xiao gave ICCLR's China program his endorsement.

In 1998, the first Canadian delegation – organized by ICCLR – visited correctional facilities in

China. Among the delegates were Senior Deputy Commissioner of the Correctional Service of Canada (CSC), Lucie McClung, who later became Commissioner of CSC, and other senior officials from both the federal and B.C. provincial correctional services. Later, a first Chinese delegation of correctional experts came to Canada. This delegation, led by CPS Vice President Wang Fei from Shanghai and consisting of high-level officials from Beijing, Shanghai, and two coastal provinces showed great interest in Canada's community correctional services. After the visit, the delegation submitted a report to both the Ministry of Justice and the Shanghai Municipal Political and Legal Affairs Commission, proposing to borrow Canada's best practices and launch a pilot project of community corrections. Based on this proposal and feasibility studies, the Commission formally launched the pilot project and created China's first community corrections service in 2002.¹ Today, this decision is considered "the first important landmark in the development of community corrections in China".²

In 2003, four top-level agencies in the Chinese justice apparatus, namely the China's Supreme People's Court (SPC); the Supreme People's Procuratorate (SPP); the Ministry of Public Security (MPS); and the Ministry of Justice (MOJ), jointly issued a set of national guidelines to expand the pilot project to six provinces.³ Two years later, they expanded the project to twelve more provinces.⁴ In 2014, the project expanded to all remaining provinces in China.

During 1998-2010, with technical support from the CSC, the National Parole Board (NPB) and BC Correctional Services, ICCLR implemented several CIDA⁵-funded projects to systematically introduce Canada's best practices. The Executive Vice Chairperson of NPB, Renée Collette, was one of the Canadian pioneers in this discourse. She and many other Canadian experts delivered seminars to hundreds of Chinese correctional officials and scholars. Chinese delegates from the China Prison Service and correctional services of six provinces visited the CSC, NPB and Canadian correction facilities. They had detailed discussions with the hosts regarding key aspects of Canada's system and its operation, such as its legal and regulatory framework, funding and costs, institutions and programs, non-governmental organization, (NGO) involvement, case management, offender risk assessment and management, progress and lessons learned.

A focus of the ICCLR's projects was the sharing of Canadian best practices to assist China's legal and policy development. In 2001 and 2008, Canadian and Chinese experts jointly authored two books on the comparative studies of community corrections. These were the first major Chinese publications to focus on the correctional system and community corrections in a foreign country. The 2001 publication was a lengthy, 184 pages, introductory-level comparative study of the correctional systems in China and Canada. Some 20 Canadian and Chinese experts contributed.⁶ The 2008 publication was a 510-page overview of community corrections in both countries.⁷ The chapters in this book were written by some 30 Canadian experts and 7 teams of Chinese experts. The Canadian essays for this book were translated into Chinese. Thousands of copies were distributed throughout China. The impact is far-reaching and will last for generations. In 2002, ICCLR published the original Canadian essays from the 2001 book.⁸

The ICCLR Directors of Corrections Programme during 1997-2008, Brian Tkachuk and Robert Brown, played key roles in leading the Canadian teams in these projects. Both were CSC experts seconded to ICCLR, with great passion and rich experience in both corrections and international assistance. From 2006 to 2012, as Rong Rong, Director General of Chaoyang District Bureau of Justice of Beijing, acknowledged in her speech at the Canada-China Symposium of Promoting Criminal Justice Reform, Robert Brown was appointed the first and only International Advisor to China's first halfway house, the Sunshine Halfway House in Chaoyang District of Beijing.⁹ With his help, the Sunshine Halfway House established a partnership with its counterparts in Vancouver and Toronto for the sharing of work experiences. It also joined the International Corrections and Prisons Association (ICPA).

In 2011, at the ICPA Conference held in Singapore, the Association's Community Corrections Award was presented to Director Rong Rong on behalf of the Sunshine Halfway House. The Award is presented annually for exceptional work and innovative approaches in supporting sentenced criminal law breakers in the community. It is also to acknowledge the vital role played by community corrections in the work of the Association.¹⁰

Furthermore, in 2011-2012, ICCLR implemented a project to facilitate a Chinese legislative study on

community corrections. ICCLR's Senior Associates, Professors Maureen Maloney, QC, and Yvon Dandurand, delivered seminars in China. With an endorsement from the China Law Society (CLS),¹¹ the Chinese project team of professors developed an annotated academic "Community Corrections Law" in 2013, primarily based on comparative studies of the Chinese and Canadian systems.¹²

THE ICCLR-CHINA COMMUNITY CORRECTIONS PROJECTS WERE AMONG THE MOST SUCCESSFUL EXAMPLES OF CANADIAN INITIATIVES TO ASSIST LAW AND JUSTICE REFORMS IN CHINA

In 2011, China's National People's Congress (NPC) amended its Criminal Law by incorporating "community corrections".¹⁴ This was the first recognition of community corrections in the national law of China. In 2012, the SPC, SPP, MPS and MOJ jointly issued Implementation Methods for Community Corrections. In the same year, the NPC amended the Law of Criminal Procedure, recognizing the status of "community corrections agencies".¹⁵ In 2019, China finally enacted the Community Corrections Law.¹⁶ Six months later, this Law became effective, together with a set of updated Implementation Methods.¹⁷ The formation of a national legislative and regulatory framework for community corrections has been completed.

The new system has worked reasonably well in its operation. In 2007, when the population of prison inmates in China was roughly 1.5 million, only 65, 153 sentenced criminal law breakers were serving their sentences in community corrections nationwide, and a total of only 100,000 had served their sentences in communities. Chinese experts urged even more rapid expansion of community corrections, using the ratios of prison inmates vs. people serving sentences in communities in Canada and other Western countries to support this recommendation.¹⁸ In 2014, at China's first national conference on community corrections, it was reported that the accumulated number of people who had served their sentence in community corrections increased to 1,847,000. By 2020, according to the Director General of the Community Corrections Bureau of MOJ, this number jumped to 5 million.¹⁹ In Canada, the community corrections population is roughly 110,000, including those in community under CSC supervision (about 10% of the total) and those sentenced to provincial/territorial probation and conditional sentences (about 90% of the total).²⁰ It will be interesting to compare the statistics when China releases more detailed data of the offender population.

Comparing the Chinese and Canadian systems of community corrections, I would point out some of the main differences and similarities. First and foremost, as I wrote in 2002, unlike the Canadian system, the entire Chinese legal and justice apparatus is a centralized system under the Party's leadership and governed by the Party-State ideology of "socialism with Chinese characteristics".²¹ The Chinese system of community corrections undoubtedly shares this feature. At the operational level, one must recognize some important differences. Compared with the Canadian system, the Chinese system is less transparent. Official statistics about funding, programs, staff, and sentenced criminal law breakers in community corrections are not detailed and systematically published. Corruption in decision-making is a real challenge in China. And, although community corrections services have expanded rapidly in the past two decades, the vast majority of Chinese citizens convicted of a crime are still sentenced to prison and only a minority of these are released before the completion of their sentences. Like in Canada, the rates of re-offending while serving sentences in community corrections in China are much lower than those serving full sentences in prisons.²² However, it is hard to compare the statistics in this aspect, given that the basic profiles of offenders are very different.

The Chinese and Canadian systems do share important similarities. Both systems are to protect public safety, assist offender rehabilitation and prevent crime. Under the Chinese Community Corrections Law, the operation of community corrections must adhere to the law and respect human rights. The Law prohibits infringement upon the lawful rights of lawbreakers and discrimination in employment, education and social security. The Law requires all levels of governments to fund community correction services and give funding to community-based organizations. The Law also requires that community correction services provide not only surveillance and supervision but also education and assistance. Case management should be based on individualized correction plans.²³ Therefore, the Chinese system has indeed incorporated some of the common values and general principles of community corrections that are recognized in Canada and by the United Nations.²⁴

Canada's best practices are undoubtedly helpful to Chinese professionals in rethinking and reshaping their entire correctional system. In 2006, at the

invitation of the China Prison Society, a five-person Canadian delegation, including correctional experts and a representative of the Canadian Association of the Chiefs of Police, delivered a series of presentations in both Guangzhou and Beijing on the rights of offenders serving sentences, offender risk assessment, parole board decision making and offender community supervision. The discussion continued in 2007, when the Director of the Prison Administration Division of Beijing Prison Bureau attended an ICCLR symposium on the promotion of criminal justice reforms. Amongst the priorities of the Chinese reforms, he reported, were to establish a “quality assessment system” in corrections, recruit more “expert-like” correctional officers, “change the traditional concepts of enforcement,” and “build a harmonious rehabilitation relationship between the police and offenders” that would demonstrate “fair and civilized administration” and respect of lawful rights of sentenced people.²⁵

Public opinions on China have changed tremendously in recent years. Sadly, some commentators have jumped to a conclusion that Canada’s work to assist China’s reforms in the past decades was a complete failure, with the ICCLR projects being examples of what they called a failed Canadian “plot”.²⁶ Indeed, it was discouraging to see that the “bilateral and multilateral human rights dialogues” between Canada and China failed to produce any significant and visible result in the 1990s-2000s.²⁷ However, during the same years, thanks to the long-term vision of ICCLR’s former President, Daniel Prefontaine, and the Canadian government, warm-hearted Canadians were able to work with open-minded Chinese legal and criminal justice professionals in effectively pushing ahead their reforms. This cooperation did produce far-reaching and long-lasting results that are still visible today.

The ICCLR China community corrections projects were among the most successful examples of Canadian initiatives to assist law and justice reforms in China. ICCLR and its experts were always upfront in declaring the intention and objectives, which were to promote the rule of law, human rights, and good governance. The Canadian pioneers neither underestimated the difficulties and risks when working with China nor dreamed about making a regime change through these technical assistance projects. It is nothing strange years after to have setbacks and pitfalls. No matter how much China has changed, the good work that Canadians did will never be wasted and forgotten. ■

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RÉSUMÉ

Canada's Work to Assist the Development of Community Corrections in China: Significant and Long-Lasting Results

VINCENT C. YANG

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Vincent Yang, de l'International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) explique le rôle novateur joué par le Canada pour aider la Chine à élaborer des lois et des politiques débouchant sur la mise en place de services correctionnels communautaires, en 2002, et sur l'introduction de la loi sur les services correctionnels communautaires, en 2019. Les projets Canada-Chine financés par l'Agence canadienne de développement international (ACDI) ont débuté en 1997 et se sont poursuivis pendant plus de dix ans. L'ICCLR, basé à Vancouver, et la China Prison Society ont organisé des visites d'échange de haut niveau, des ateliers et publié des études conjointes afin de partager les pratiques exemplaires du Canada en matière de services correctionnels communautaires. Deux livres d'études comparatives ont été rédigés et publiés conjointement par des experts du Canada et de la Chine sur les services correctionnels communautaires. Bien que les systèmes canadiens et chinois soient très différents, le fait de partager des pratiques exemplaires canadiennes avec les réformateurs chinois comporte des effets positifs qu'il ne faut pas négliger, comme en témoigne l'expansion rapide des services correctionnels communautaires en Chine au cours des 20 dernières années.

Segregation North of Sixty: Meaningful Reform in Yukon Corrections

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The inappropriate use of segregation to manage inmate behaviour has gained considerable attention over the last decade. Across jurisdictions, correctional services are being criticized for the overuse, and prolonged use, of segregation and restrictive housing conditions. Despite legal and humanitarian requirements for change, few organizations have managed to operationalize meaningful correctional practices aimed at humanely managing the day-to-day needs of complex clients.¹ This article outlines the progressive segregation reform completed in Yukon, Canada from 2019-2021.

WHAT IS SEGREGATION? WHO'S IN SEGREGATION? WHY ARE THEY THERE?

Internationally, and within Canada, the definition of segregation varies. Some jurisdictions define it as a physical place, others as a condition of confinement. Some define it in law, some in regulations, and some in operational policies. Common to all definitions and practices is the restriction segregation places on an individual's association with others. The definition, however, is critically important as it directly impacts operational practice.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) define segregation as "the confinement of prisoners for 22 hours or more a day without meaningful human contact" (UN General Assembly, 2015, p.14). Despite this helpful guidance, many jurisdictions continue to define segregation as a specific place rather than a condition of confinement that can occur anywhere within the facility. When segregation is

defined solely as a place, individuals with residual trauma stemming from racism, discrimination, and poverty or complex mental health needs, may be confined to their cells for 22 hours or more a day in "specialized housing units" (Maki, 2020; IROC, 2017). Since these individuals are housed outside of the "segregation unit" or "segregation area", they may not be identified as being in "segregation", thereby resulting in the underreporting of people who are at a heightened risk of being negatively impacted by physical and social isolation because of their pre-existing trauma and/or mental health condition (IROC, 2017; Loukidelis, 2018).

Independent reports in Ontario and in Yukon once suggested that most people in segregation should not be there. In many cases, segregation or restrictive housing conditions are used as the default tool to manage individuals with complex physical or mental health needs, including those at risk of self-harm or suicide, those with disabilities, or those requiring mobility assistance devices,

because the correctional system lacks resources, integrated wellness supports, and/or operates using an inappropriate staffing model (IROC, 2017; Loukidelis, 2018).

THE IMPETUS FOR CORRECTIONAL REFORM

The need for correctional reform in Yukon became obvious following the release of the Whitehorse Correctional Centre Inspection Report in 2018. This independent report examining the territory's only correctional facility was prompted by a highly publicized and controversial case involving an inmate with significant mental wellness issues who spent time in segregation while incarcerated (Morin, 2017). The Inspection Report highlighted several troubling issues, including concerns with the use of segregation, a lack of mental health supports for clients, and limited First Nations programs and cultural services, all of which provided impetus for reform (Loukidelis, 2018)². Additional pressure for change came from an ongoing legal dispute in which the Petitioner, a former correctional officer, challenged the legality of the Secure Living Unit, where he was housed for almost two years while incarcerated at the Whitehorse Correctional Centre (*Sheepway v. Hendricks*).³

LEADERSHIP IN TIMES OF CORRECTIONAL TRANSFORMATION

Sound, competent, and dedicated leadership is crucial for the successful implementation of large-scale correctional transformation, especially in times of intense legal and public scrutiny. Correctional heads must have the political and bureaucratic savvy to foster trust and support for legal change while securing tools and resources to safely augment daily operations. The ability to conjure a vision for reform and develop a step-by-step guide for its implementation requires subject matter expertise as well as strategic and situational leadership skills. One must also be prepared to accept the legal responsibility that accompanies the role of the correctional head and be able to discharge the duties owed to staff, clients, and the public, since failure to do so can lead to physical and/or psychological harm to others as well as damage to one's reputation as a result of being personally named in legal proceedings and/or criticized online and in the media.

With a commitment to provide the requisite political and bureaucratic support necessary to create meaningful change, in mid-2019, the Government of Yukon hired a new Director of

Corrections whose principal objective was to develop a progressive, individualized, person-centred approach to correctional services that was in line with, and reflective of, the principle of least restrictive measures. This new approach to corrections would position Yukon as an industry leader in segregation reform, improve relationships with key stakeholders and Yukon First Nations, bolster community safety, rely less on rigid custodial practices, and promote trauma-informed and restorative cultural practices to better support the rehabilitation, healing, and safe reintegration of justice-involved clients.

PAVING THE PATH FOR CORRECTIONAL CHANGE IN YUKON

Yukon's segregation reform began with a comprehensive review of the territory's *Corrections Act and Regulation*, given that the 2018 Inspection Report highlighted the need for significant amendments to both⁴. To implement change, input from staff, managers, and inmates was critical; therefore, the Director of Corrections regularly toured the correctional centre to solicit information about day-to-day operations as well as processes requiring modification. Additionally, every staff member was offered an opportunity to meet privately with the Director. These meetings exposed that many managers and front-line staff excelled in the difficult work they performed and that they were committed to direct supervision⁵, which allowed them to truly know and properly care for their clients. Moreover, interactions with front-line staff revealed that many longed for their leadership team to provide them with a singular vision for change, recognize their contributions, provide them with the requisite tools and supports to carry out their duties efficiently and safely and, when required, hold correctional employees accountable.

Likewise, the Director of Corrections consulted with justice stakeholders, including defence lawyers and Crown prosecutors, and proactively engaged with the corrections union to foster positive working relationships and inform all parties of reforms underway. Additionally, the Director met with the Council of Yukon First Nations leadership to seek input regarding concerns or suggestions around future initiatives and continued to keep Yukon First Nations apprised of progress by attending Yukon Forum, Council of Yukon First Nations Justice Caucus meetings, and presenting at the latter's annual conference. With this critical foundation laid, Yukon was able to amend its

territorial legislative and regulatory framework governing segregation⁶, review and revise associated operational policies, and implement changes in just thirteen months. Proactive, targeted training delivered to managers, who were then able to deliver the training to front-line staff, was essential to the seamless implementation and operationalization of these changes on the day that the legislation and regulations came into force.

IMPLEMENTATION OF INDIVIDUALIZED CARE PLANS

A cornerstone of surmounting these interconnected problems is proactive, individualized, person-centered care; once the specific needs of a client are ascertained and addressed, it is possible to prevent, or at least mitigate the harmful effects of placement in non-disciplinary segregation. To achieve this, the practice of preparing individualized care plans

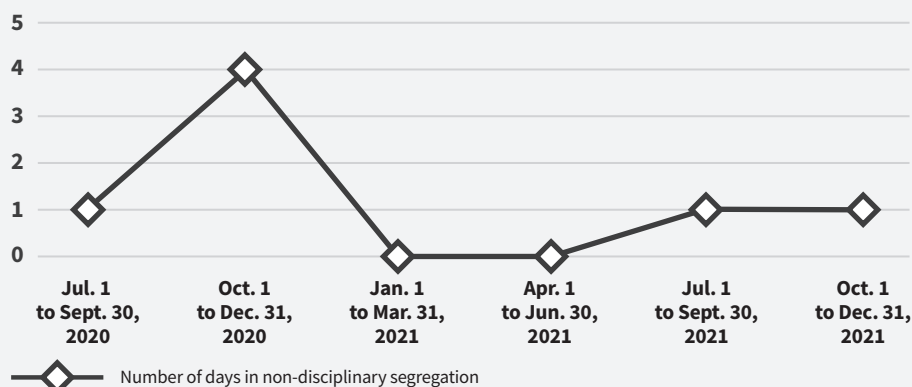
for every client, both sentenced and those on remand, was adopted and made mandatory in Yukon's correctional policies and operational procedures. These fluid documents are initiated upon admission and updated as the needs of an individual change over the course of their incarceration. The dynamic nature of the individualized care plans allows for the unique needs of each client to be met as they evolve over time and inform institutional placement, suitability for programs, discharge planning, and any additional safety measures that may be required. This approach is premised on the notion that an individual may change while in custody

and basing decisions on the person's current presenting behaviour results in more responsive care and safer outcomes than when such decisions are simply based on legal holding status. Moreover, recognizing the potential for change during incarceration may have the added benefit of fostering a strength-based approach that empowers clients and furthers their rehabilitative potential.

To streamline front-line officer work, as well as inform the content of individualized care plans, and aid with dynamic institutional placement, new forms were created to capture relevant behavioural observations of each client on a daily basis. While adopting this practice led to a slight increase in the amount of documentation staff performed per shift, recording significant observations about,

Number of Days Spent in Non-Disciplinary Segregation

Whitehorse Correctional Centre / July 1, 202 to December 31, 2021



NOTE: non-disciplinary segregation refers to segregation other than that which is imposed by a hearing adjudicator in respect of an inmate as a penalty for a breach by the inmate of the regulations or the rules of the correctional centre.

These numbers reflect the total number of days spent in non-disciplinary segregation during the period indicated. Between October 1 to December 31, 2020, the total number of days spent in non-disciplinary segregation was accrued by three different individuals, with two of them spending one day each in non-disciplinary segregation and the third individual spending two days in non-disciplinary segregation.

SOURCE: yukon.ca/en/statistics-and-data/corrections/find-whitehorse-correctional-centre-segregation-statistics#segregation-instances-post-2019-legislative-changes-to-corrections-act-july-2020-onward

LINKAGES FOR SUCCESSFUL SEGREGATION REFORM

A clear, comprehensive legal and policy framework is fundamental to meaningful segregation reform. However, amending these guiding structures alone is insufficient to bring about total transformation because the overuse, and prolonged use, of segregation and restrictive housing conditions is a symptom of a much larger issue involving a host of interconnected problems within corrections. Since most individuals housed in segregation are often, by default, housed as such because of shortcomings in other areas, "[t]rying to 'fix' segregation in isolation is futile" and potentially unsafe if the segregation-specific problems are not addressed in conjunction with broader, system-wide changes (IROC, 2017, p.13).

and any noticeable patterns or changes in, an individual's behaviour improves the quality of client care, mitigates against legal liability, and fosters a safe work environment for staff. One noteworthy, collateral outcome that arose from the implementation of this practice at the Whitehorse Correctional Centre was the ability for the institution to effectively abolish protective custody.

Consistent with the principle of least restrictive measures, individualized care plans also inform decisions regarding suitability for temporary absences. To ensure that all individuals in custody were housed in accordance with the principle of least restrictive measures, the practice of proactively conducting detailed reviews of the personal circumstances of both sentenced and remanded clients was put into effect.

TRANSPARENCY, ACCOUNTABILITY, AND OVERSIGHT

Given the nature of the correctional environment, where most of the work happens out of public scrutiny, meaningful segregation reform must also be premised on the principles of transparency, accountability, and oversight. To ensure that these ideals were reflected in practice, several measures were incorporated, either into legislation, regulation, policy, or daily operations. These included publishing all revised operational policies online, ensuring that all clients received written notifications of, and reasons for, various procedural outcomes, such as institutional placements, including those in conditions that amounted to segregation⁷ or restrictive confinement⁸, and establishing an internal system of checks and balances in addition to the external oversight mechanism enshrined in legislative and regulatory amendments.

IMPLEMENTATION OF BROADER CORRECTIONAL SUPPORTS

Finally, implementing broader supports to enable the provision of trauma-informed, individualized care without jeopardizing the safety of staff, clients, or the public was critical to Yukon's success in correctional transformation. The introduction of a body scanner was a major support for both clients and staff, given that it eliminates the need to subject many clients entering the correctional centre to the potentially triggering and traumatic experience of being strip searched. In turn, this relinquishes staff from their duty to routinely carry out an inherently objectifying process that may also be triggering for them. Similarly, the procurement

of an integrated, electronic client management system was a significant initiative as the technology promotes continuity of care while reducing inefficient and redundant administrative work that encumbers staff from performing their other duties and adversely impacts morale.

Innovative thinking and commitment to operationalizing the principle of least restrictive measures also fostered a unique collaboration with the John Howard Society to fill a gap in alternatives to custody for justice-involved men in Yukon and promote community reintegration. This initiative enabled the John Howard Society to establish 24/7 supervised housing and programming services in an unused and decommissioned portion of the Whitehorse Correctional Centre. The program provides up to 20 single-occupancy rooms for individuals either on remand or serving a sentence, who do not need to be incarcerated but would benefit from enhanced community supports to assist in their successful rehabilitation and/or maintain routine community ties.

CONCLUSION

In theory, reform is simple. Often, a problem is identified following a highly publicized event that triggers public and political awareness and elicits a desire for change. Papers, independent reports, and recommendations ensue and the solution to the issue appears obvious and easy to achieve.

Operationalizing the solution in a way that results in meaningful reform, however, is usually more complicated. This is particularly true in corrections, where modern institutions primarily house individuals with complex needs that reflect failings by other social services. This generates a host of issues that the correctional system was never intended to address but that necessarily become interrelated with problems arising in daily operations and require broader, system-wide initiatives to bring about change.

The correctional reforms completed in Yukon, Canada between May 2019 and October 2021 were inspired by an underlying philosophy that emphasized the principles of restraint in the use of lawful authority, the use of least restrictive measures, individualized person-centred care for clients, and a commitment to the protection of human rights while ensuring staff safety. The vision for reform was guided by correctional best practice, recommendations made by subject-matter experts,

legislative and constitutional requirements, and international standards.

The successful implementation and operationalization of correctional reform in Yukon was the product of several factors that can be replicated in other jurisdictions, including the federal correctional systems or bureaus. Effective leadership, a singular vision for change, the implementation of individualized care plans for every client, and proactive consultation and education to ensure buy-in by key stakeholders all played an important role. This, however, was followed by ensuring that correctional staff were supported with the right tools, resources, and training to carry out humane operations and that, throughout the process, the correctional union was supportive of the changes taking place.

The role front-line staff play in implementing reform initiatives cannot be understated; they operationalize the theoretical principles and report recommendations in the discharge of their daily duties. It is therefore paramount that staff understand how and why creating a humane environment for clients fosters a safe and healthy work environment for employees. To achieve this, those in positions of authority must support front-line staff by being competent leaders, providing clear direction and guidance, maintaining appropriate front-line staffing levels, and ensuring that staff have the tools, training, and resources to succeed. When staff have the support they need, meaningful correctional reform is achievable. ■

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NOTES

1. For example, the passing of Bill C-83 in June 2019 led to the establishment of "Structured Intervention Units" in federal penitentiaries run by the Correctional Service of Canada. However, the implementation of these units, and their success in abolishing segregation, remains controversial, as reported by Professor Emeritus Anthony Doob and Dr. Jane Sprott. See, for instance, Doob & Sprott (2020), Sprott & Doob (2020), and Sprott & Doob (2021).

2. The Whitehorse Correctional Centre Inspection Report contained 40 wide-ranging recommendations related to: mental health services, the use and effects of segregation, improving outcomes for First Nations individuals, and justice system initiatives. Of these recommendations, 12 specifically relate to segregation (recommendations 12-23).
3. The judgment in *Sheepway v. Hendriks* drew attention to the prolonged use of restrictive housing conditions that, de facto, amounted to segregation under a different name.
4. Recommendation numbers 13-16, 18-21, and 23 of the Whitehorse Correctional Centre Inspection Report all deal with legislative or regulatory amendments to the framework governing segregation. For example, number 14 recommends "The *Corrections Act* and *Corrections Regulation* should be amended to provide a clearer, more comprehensive, framework to govern use of separate confinement at [the Whitehorse Correctional Centre]. The amendments need to define what "separate confinement" is, when it may be used, and how it is regulated. This is necessary even if the substantive changes recommended in this report are not implemented".
5. Direct supervision refers to a model of inmate supervision where correctional officers are stationed inside inmate living units to promote direct, continuous, and barrier-free interactions with inmates. Through these exchanges, staff control the unit and have the capacity to actively manage behaviour before a situation escalates.
6. These amendments included:
- Defining segregation as a condition of confinement;
 - Imposing prohibitions on which individuals may be held in segregation and the number of days during which an individual may be held in segregation;
 - Requiring that the circumstances of individuals who are held in non-disciplinary segregation be reviewed in accordance with requirements set out in the Regulations;
 - Providing for the appointment of independent adjudicators to review the circumstances of individuals who are held in non-disciplinary segregation; and,
 - Expanding the application of the principle of least restrictive measures.
7. Yukon's *Corrections Act* defines segregation as any type of custody where an inmate's association with other persons is significantly restricted for a period or periods that total, in a particular day, 22 hours or more.
8. Restrictive confinement refers to any type of custody where an inmate's association with other persons is significantly restricted for a period or periods that total, in a particular day, at least 18 hours but less than 22 hours. This term was intentionally included in the amendments to Yukon's *Corrections Act* and defined as such to provide an extra layer of accountability and ensure that the spirit and intent of the amendments was not flouted by significantly restricting an inmate's association with others for a period or periods of 21.9 hours in a particular day.

RÉSUMÉ

Segregation North of Sixty: Meaningful Reform in Yukon Corrections

ANDREA MONTEIRO ET MITCH WALKER

Depuis dix ans, le recours inapproprié à l'isolement pour gérer le comportement des détenus a suscité une attention considérable. Dans toutes les provinces et tous les territoires, les services correctionnels sont critiqués pour le recours excessif et prolongé à l'isolement et aux conditions de logement restrictives. Bien que des changements soient exigés, aussi bien pour des raisons juridiques qu'humanitaires, peu d'établissements arrivent à adopter des pratiques correctionnelles permettant de gérer humainement les besoins quotidiens de clients difficiles. Dans cet article, les auteurs décrivent comment le Yukon s'y est pris, entre 2019 et 2021, pour procéder à une réforme progressive de la pratique de l'isolement.

PART I

Systematic Discrimination in Southern Alberta Based on Testimonials by Canadian Minorities and Immigrants about Employment, Education, Justice System and Policing

SEAN WENTZEL

M.Sc. (Crim.), DBA

About the Author: Sean Wentzel was born and raised in Cape Town and served in the South African military before moving to Europe and joining the British Army, with which he served in Iraq, Kosovo, Poland, Germany, mainland UK, and Canada. Wentzel immigrated to Canada in 2006, working as a municipal police officer for ten years in patrols, forensics, and briefly in an integrated intelligence unit. After obtaining his M.Sc. in Forensic Science and Criminology in 2016, with distinction, through the University of Leicester (UK), Wentzel taught criminal law and forensics at College level starting in 2013, courses in an Applied Justice Degree since 2019 and one semester in a Masters in Forensics program with a University in the United States. Wentzel enjoys the life Southern Alberta offers, camping and enjoying the outdoors with his wife and two kids.

Discrimination goes against Canadian law and dogma, negatively affects socio-economic wellness, and is increasingly a source of human rights issues based on, among other, over-representation of certain groups within the criminal justice system. This article is a condensed version of the author's doctoral DBA dissertation, which featured a study conducted in southern Alberta (Wentzel, January 18th, 2022). Wentzel's findings show that systemic racism of non-White citizens and immigrants suffer disparities across Alberta's public goods sphere – in education, employment, and justice, including the police and the courts. Wentzel points out that the life experiences of visible minorities and immigrants are key to understanding issues of racism in Southern Alberta, and that the inclusion of testimonials in widespread research studies could help fill the significant research gaps in this area. Alberta's Antiracism Advisory Council (2019) issued Recommendations in June 2021, but its website and processes lack transparency, which can be frustrating for concerned citizens and researchers alike. In Part II, coming up in Justice Report 37.4, the author will take look at Alberta's progress and further explore the need for transparency, oversight, and accountability.

Multiculturalism describes and defines the Canadian ideology around cultural diversity and informs related laws aimed at recognizing, preserving and enhancing Canada's multicultural heritage. Keep in mind, except for the Indigenous Peoples, all Canadians are either themselves immigrants or descended from. Despite the diversity that has characterized the development of Canada since its inception, the percentage of Caucasians identifying with European origins was almost 97% until 1961

and is now estimated at just over 70%. Canada's Immigration Act of 1910 had deemed non-White people "undesirable" and barred their entry. Black domestic workers were accepted starting in 1955 and the racially discriminatory immigration system was terminated in 1967.

Southern Alberta's widespread cultural diversity recalls the immigration to Canada from various nations since European settlement. Systematic

discrimination in the laws and policies of governing institutions in the Province of Alberta is visible in education, employment, housing, transportation, immigration, and health care (AHRA, 2019; Oxman-Martinez et al., 2012) and at the community level.

Immigration patterns have always largely been a function of a nation's economic development and associated labour needs, but socio-economic exclusion of visible minorities has a serious impact on the local and national economy and on the criminal justice system over the long term. In recent years, the University of Calgary and Mount Royal University have committed to fighting antiblack racism on their respective campuses (Herring, 18 November 2021) and also want to see it addressed in Alberta's public education as it is currently "nonexistent in K-12 curriculum" (Pearson, 17 July 2020).

Various ethnic and demographic groups experience racism in everyday life in Southern Alberta. Must Edmonton's Muslim women continue to live in fear (Mosleh, 4 July 2021)? Asian communities, including Chinese and Filipino, have reported severe racist behavior, hatred, and assaults amid the coronavirus (COVID-19) pandemic. The Government of Alberta is also trying to act but, as evidenced by the surge ("44%") in hate-motivated crimes in Calgary (McGarvey, 2 January, 2022), racism is out of control and must be stopped. Research gaps related to the socio-economic impact of over-representation of visible minorities in the Canadian CJS are complicated by the absence of 'race' data generally. Such gaps are implicated in the general dearth of "evidence-based action... to prevent exposure to criminogenic factors for Black people and to address the inequitable treatment of Black people within the criminal justice system" (Owusu-Bempah, Jung, and Sbai, 2021).

It will forever remain an indelible blight on human history that the apartheid crime ever occurred. Future generations will surely ask: what error was made that this system established itself in the wake of adopting a universal declaration of human rights? It will forever remain an accusation and a challenge to all men and women of conscience that it took as long as it has before all of us stood up to say 'enough is enough'.

– Nelson Mandela

(to U.N. Special Committee against Apartheid, June 22, 1990)

Socio-economic discrimination/exclusion is known to have serious negative psychological impacts on the individual. It can cause trauma and affect productivity in the workplace. In fact, Alberta's Occupational Health and Safety Act "explicitly recognizes psychological harm as a preventable workplace injury" (OHA Act, 2020; Noble, 2018). Systemic discrimination also reduces employment opportunities for a growing number of groups, effectively killing diversity and limiting the creativity needed for nations to remain competitive in the face of rapid globalization processes and to solve fundamental organizational problems. As of 2016 Census Data, visible minorities in Calgary were 33% more likely to be low-income... and those of Aboriginal identity in Calgary were more than twice as likely" (HH, 2021).

The absence of 'race' data generally complicates the already problematic situation posed by the significant research gaps related to the socio-economic impact of over-representation of visible minorities vis-a-vis the Canadian Criminal Justice System. This situation is complicated by the absence of 'race' data generally. Wentzel's study (2022) confirmed Alberta's conclusion of systemic racism and recommends that extensive questionnaire-based interviews aimed at obtaining testimonials of life experience in Alberta of non-White Canadians and immigrants be carried every five years across various sectors of the economy and in education. Yet last month's failure of Bill 204, which aimed to ensure that the scope of the problem in Alberta is known, may make this very hard to do.

Bill 204 aimed to ensure the mandatory collection of race-based data, reporting on critical measurements around equity, and create an anti-racism office and Commissioner to analyze data and look for ongoing inequities in policies, programs, and services." (Rabbit, April 26 2022)

WENTZEL'S RESEARCH FINDS THAT TESTIMONIALS PROVIDE CONTEXT DESPERATELY NEEDED TO FILL RESEARCH GAPS LEFT BY POLICYMAKERS AND ACADEMICS, MOST OF WHOM ARE WHITE, IN CANADA

As evidenced by the testimonials obtained in the author's study, the voices of minorities and immigrants (the context of their 'lived experience') are not being heard yet represent a vital source of information to inform and complement policy development. This approach aligns with Systems



Thinking (ST) theory (Wentzel, 2020), which essentially holds that a system is more than the sum of its parts because of relational impacts between those parts. In a business context, ST refers to how a part of an organization relates to the whole organization. It provides a basis for establishing an efficient system for planning and control, also guiding an organization in operational decision-making.

In a social context, Systems Theory offers a means to explore the ways in which socio-economic exclusion and associated unequal access to the public goods and conflict with the law not only affect the lives of non-White citizens and immigrants but also have cascading repercussions on the criminal justice sector, education, the economy, and public safety. The fact that these disenfranchised groups are also under-represented in teaching and government makes solutions even harder to find and implement. Within this current constrictive framework, testimonials of lived experience offer a unique research method for obtaining important context that is crucial to holistic understanding but can often be missing from statistics (Wentzel, 2020).

Systems Thinking Theory emphasizes that the elements of intricate systems interact with their environments (Haines, 2016). It was developed to describe dynamic behaviors and understand seemingly irrational behaviors exhibited by individuals or organizations. Ideally, the result would allow a viable avenue for implementing preventative or remedial actions (Richardson & Midgely, 2007). This shows the value of the testimonial, which can allow others to understand the cascading impacts of discrimination and how it relates back to the organizational system.

System Thinking Theory's principle assumptions and constructs have been widely developed and utilized in numerous studies and much research (Haines, 2016; Monat & Gannon, 2015; Richardson & Midgely, 2007). While a complete discussion is beyond the scope of this article, the primary ideological devices of System Thinking Theory are noteworthy: wholeness and interaction; purposefulness; multidimensionality; counter intuitiveness; and openness (Monat & Gannon, 2015). These constructs are central in understanding complex systems.

The concept of wholeness and interaction asserts that the inter-relatedness of the elements defines the countenance of the entire system structure (Adams & Mun, 2005). This construct can contextually describe the behavior of the elements of any complex system, such as leaders making decisions about policies that may be inadvertently restrictive to specific groups of people. For instance, organizational leaders can create policies that favour natives but, for a variety of reasons, are unfavorable to immigrants. Immigration policies or trends can hamper the career growth of immigrants by restricting them to subordinate jobs. If so, this must be made clear prior to immigration. Leaders can make policies that seem progressive because they favorize the hiring of Indigenous people, without taking into consideration that they exclude other groups such as Black people. As well, the funding themes of government can greatly influence academic research and the activities of NGOs.

The Systems Theory, human - or people-centred, construct of purposefulness primarily outlines how individuals can alter their behavior and reconfigure their daily activities to gain a favorable future outlook or remedy a current ill (Gharajedaghi, 2011). In this specific context, purposefulness guides in describing how stakeholders in regulatory and statutory bodies can improve accountability and drive change toward eradicating systematic discrimination in organizations.

The counter-intuitiveness concept of Systems Thinking Theory provides comprehension of the grounds and subsequent impact of individual leaders' decision-making on two very different fronts. The first concerns leaders' decisions in implementing policies and practices that may lead to the unfair exclusion or treatment of specific groups of people, resulting in systematic discrimination. The other concerns leaders' decision-making for the implementation of anti-discrimination and inclusivity frameworks, such as ensuring visible minorities are not being over-policed and over-incarcerated.

The construct of openness outlines that system behaviors are best understood within the environmental context in which they occur. These conditions indicate that factors within the external environment affect the system's behavior (Gharajedaghi, 2011). In the context of this study, the concept of openness provides a platform to understand how factors in the extrinsic environment like sociopolitical climate and

leadership behaviors influence the existence and subsequent addressing of discrimination.

Finally, the concept of multidimensionality in System Thinking Theory involves determining harmonious relationships among seemingly contrasting systems and developing feasible goals within components of the system that may otherwise seem infeasible. For instance, some policies can hinder immigrants from accessing necessary funding in education. Such policies can promote illiteracy in the country, hampering development associated with education. This construct seeks to address the unease surrounding the existence and eventual interaction of distinct and sometimes contradictory tendencies and adversarial relationships. This construct provides a sufficient basis for defining and beginning to fathom the interrelationships between institutional decision-making and the existence or eradication of systematic discrimination.

CONCLUDING REMARKS: ACCOUNTABILITY ENGENDERS CHANGE

Over the years, governments and policymakers in Alberta have tried to ‘do justice’ to the topic of discrimination against visible minorities and immigrants, including their over-representation in Corrections, but it remains a concern for members of these communities and also for researchers trying to find out what concrete actions are being taken in light of the recommendations of the various bodies funded in relation to Alberta’s Antiracism Advisory Council (February 2021). The AARAC (2021) was established in 2019 and issued its standing Recommendations to the Alberta government in March 2021. At the writing of this article, the website doesn’t seem to have been updated since.

In May 2022, the author (Wentzel, 2022a) made two attempts (subsequent to unsuccessful attempts in prior years) using the contact info on the Council’s website to find out what has been implemented or is going to be done based on the Council’s Recommendations. For his trouble, he received two automated replies promising to get back to him “shortly” followed by an email from the AARAC Secretariat / Alberta Labour and Immigration containing the following statement:

Following receipt of a set of recommendations from the Alberta Anti-Racism Advisory Council (AARAC) in 2021 on how to implement and

evaluate action items to combat racism, the government has held conversations with various stakeholders to gain a better understanding of the impacts of racism on racialized communities. This information is informing a series of next steps in the development of a strategy on anti-racism. Further information on this will be released soon. (Wentzel, 2022a)

The Alberta Human Rights Commission (AHRC) is the body best able to ‘police’ the equitable delivery of the rights guaranteed to all Canadian citizens and immigrants (Wentzel, 2021). The AHRC is positioned to hold all parties including government accountable for failure to protect immigrants and minorities from pay-scale and promotion disparities and psychological harm from direct or indirect racist harassment in any setting. The AHRC regulatory body is also able to implement affirmative action guidelines and policies for each designated sector, including public school teachers and administrators, policing, the courts, and carceral institutions with integrated follow-up methods to ensure equal opportunities for minorities and immigrants to not only express the discrimination they face but to take part in effecting change. This all would arguably go far in eradicating the vice of discrimination within the workplace, the criminal justice system, and society over time. Monetary fines, some being fed back to help fund associated AHRC research and conduct reviews at work, would arguably go a long way in changing things.

The AHRA defines systemic discrimination as the differential treatment that transcends individual encounters and is inherently linked to structural inequalities that create a pervasive disadvantage for certain groups (AHRA, 2019). As per the logic of Systems Theory, systematic discrimination recognizes that discrimination is not always an explicit, singular event, and therefore should not be treated so. Human Rights Acts in Canada have mandated their HRCs to fight systemic discrimination and the factors embodying this vice through their investigatory mandates in the public health and educational domains. Regardless, most legislation fails to define the term explicitly (AHRA, 2019). The nature of systemic discrimination makes it rather improbable to be sufficiently addressed through an individual complaint process alone – hence this institutional mandate is essential, and the research methodology should include the use of testimonials within a framework of Systems

Thinking theories, and therefore take into account the relational impacts of individual discrimination, which effect the economy, criminal justice sector, education, policy making – all the while undermining the public's faith in the Canadian Constitution, Charter, and the other laws and regulations around human rights in Canada.

Part II of this article, coming up in *Justice Report 37.4*, will take a look at Alberta's progress, explore the need for transparency, oversight, and accountability, and further elaborate why the Alberta Human Rights Commission is best positioned to provide it. ■

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RÉSUMÉ

Systematic Discrimination in Southern Alberta Based on Testimonials by Canadian Minorities and Immigrants about Employment, Education, Justice System and Policing — PART I

SEAN WENTZEL, M.Sc. (Crim.), DBA

La discrimination va à l'encontre du droit et des dogmes canadiens. De plus, elle nuit au bien-être socio-économique et pose de plus en plus de problèmes en matière de droit de la personne, notamment en raison de la surreprésentation de certains groupes au sein du système de justice pénale. Cet article est une version condensée de la thèse de doctorat de l'auteur, qui présentait une étude menée dans le sud de l'Alberta (Wentzel, 18 janvier 2022). Les conclusions de Sean Wentzel montrent que le racisme systémique à l'endroit des citoyens non-blancs et des immigrants crée des disparités dans toute la sphère des biens publics de l'Alberta – l'éducation, l'emploi et la justice, y compris la police et les tribunaux. Sean Wentzel souligne qu'il faut saisir le vécu des minorités visibles et des immigrants pour comprendre les questions de racisme dans le sud de l'Alberta, et que, pour combler d'importantes lacunes en matière de recherche, il faut inclure leur témoignage aux études de grande envergure. En juin 2021, l'Alberta Anti-Racism Advisory Council (2019) a formulé des recommandations, mais son site Web et ses mécanismes manquent de transparence, ce qui peut être frustrant pour les citoyens concernés comme pour les chercheurs. Dans un second volet, qui paraîtra dans le numéro 37.4 d'*Actualités justice*, l'auteur examinera les progrès réalisés par l'Alberta et se penchera sur le besoin de transparence, de surveillance indépendante et de responsabilité.

Combating Smuggling at Abidjan, Côte d'Ivoire (West Africa)

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This article offers a descriptive overview of a lengthy study conducted by the author (Bamba, L. 2016) on smuggling in the Abidjan district of Côte d'Ivoire. Smuggling represents an economic crime having multiple impacts on public safety and spill-over effect on local and national economies. It intersects with other smuggling activities. This intersectionality can be with human trafficking: trafficking of children in cocoa fields, as in Soubré in Cote d'Ivoire, (Bamba, L. 2017) for the illicit production of cocoa, and with firearms, among other, and makes smuggling difficult to combat. Basing his approach on the UNODC (2015) firearms study, Bamba aimed to fill a perceived research gap on smuggling techniques, stakeholders, and local and national economic impacts in Abidjan. His methodology included use of data from seizures and arrests; direct observation; structured interviews/questionnaires of a representative sample of stakeholders; participation in customs operations; and reviews of economic impact. Bamba called for a greater focus on investigations and research around seizures and a review of the customs duties and taxes legally applied in Cote d'Ivoire as well as the rates of investment in public goods to ensure they are in line with sustainable development goals.

Men consider any amount of virtue to be adequate, but wealth, goods, power, reputation, and all such things they seek to excess without limit.

– Aristotle

Smuggling affects all regions of the world and has multiple impacts on societies. A threat to public safety and to local and national economies, smuggling is of central concern for lawmakers in West Africa. Smuggling-related crimes are accompanied by violence, such as border homicides or score-settling, which increases demand for illicit firearms smuggling. The type of smuggling techniques varies considerably depending on geographic and socioeconomic contexts.

The capital of Côte d'Ivoire, Abidjan, comprises 13 municipalities and has a population of more than 4.5 million. The Abidjan district is the economic centre of Côte d'Ivoire, hosting more than 70% of the economic activity and houses most of the cross-border road corridors. Bamba L. (2016) sought to

identify the 'ways' of smuggling in Abidjan, i.e. the intersection with other types of crime, and the role played by social inequality. The Abidjan district supports West Africa's regional economic integration to the extent, among other things, that it reduces poverty by increasing access to markets and social services. His study also sought to identify key stakeholders and map the links between them. These steps are crucial in identifying supply points, resources (human, production space, supplies, etc.) and also to estimate local impacts on manufacturers, wholesalers, semi-wholesalers, retailers and street vendors, and community members, especially youth, in general.

Bamba's study included the cosmopolitan population of Ivorians, foreigners from the Economic Community of West African States (ECOWAS), Lebanese-Syrians and French for the most part, but also other nationals. The study did not attempt to estimate the extent or value of the illegal market in Abidjan because the available data are too sporadic

to support such an estimate. Bamba's data collection techniques combined bibliographic research with field surveys (semi-structured interviews and questionnaires) and direct observation of Abidjan's cross-border road corridors and customs. This consisted of visits to road entrances to observe traffic and working with customs at key checkpoints.

Smuggling affects all regions of the world and has multiple repercussions on society.
– Bamba, Ladjji (2016)

The interviews were conducted during field visits with stakeholders from the customs, police and armed forces (gendarmerie) of Côte d'Ivoire. These institutions are the bodies responsible for fighting smuggling and the associated economic activities around firearms trafficking. Significantly, out of 120 smuggler respondents, 75% of the testimonials identified the techniques of camouflage, such as illicit goods concealed in or as shipments of legal goods. The associated use of identity falsification aims to make it either impossible to track down the perpetrators or to prevent criminal records from arousing suspicions at customs. The majority of respondents reported using camouflage and false declarations for both import and export, although a significant number simply bypassed customs checkpoints.

As per the Côte d'Ivoire customs code (art. 218), most (70%) cases are settled with fines issued by Customs. The other 30% are arrests and financial penalties. Although financial penalties are designed to reduce the profit of smuggling, they will only work if the majority of smugglers are arrested. The more distorted the rate of duties and taxes, the greater the profit potential for smugglers. If the major players are not caught, the operation will reorganize.

High tariffs and taxes sometimes make legal business unfeasible, which opens the door for smugglers. In fact, Bamba's findings indicate that the smuggling of goods other than firearms would largely be outmoded if such issues were resolved:

My presence [Sylvie] in smuggling is justified by the fact that the legally enforced customs duties and taxes are overestimated, they considerably reduce my profit margins and complying with the law would ruin me. On the other hand, I recognize [Sylvie] that if the customs duties and taxes were reasonable, the majority of us

smugglers are ready to start doing things legally, although I am aware that despite any efforts the State efforts makes in improving customs duties and taxes, some among us will continue to engage in this illegal activity [Testimonial, Sylvie].
[Bamba, 2016]

For Abidjan's youth, poverty and lack of access to public goods such as education and healthcare can make recruitment into smuggling operations seem tempting or even a survival option. Côte d'Ivoire's efforts to counter this side of the problem include investing in public-goods infrastructure to combat poverty; more schools, hospitals and industry are needed to help put positive alternatives within reach, such as employment opportunities in schools and hospitals. Investments in Côte d'Ivoire's cotton and cashew processing capabilities offer new opportunities and hope.

Since 2017, there has been a notable increase in smuggling analysis and research products, several government initiatives to strengthen national capacities, tools and mechanisms for collecting trafficking data, and a considerable increase in questionnaire response rates (by nearly 40% compared to the 2017 fiscal year conducted by Ivorian customs). Throughout the country, relatively more fraudulent supplies were seized in 2017-2019. However, gaps still exist in several customs departments. The reported difficulties in detecting illicit traffic flows lead to the conclusion that these quantities are probably only the tip of the iceberg, as larger quantities of illicit goods are in circulation and remain undiscovered and unreported.

Additional efforts are needed to improve trafficking intelligence in the Abidjan district. For example, taking a closer look at the criminal contexts (products, intersection with other criminal activities and international reach) of each seizure and the whereabouts of the trafficking products in order to better understand the nature and extent of illicit trafficking flows and to design concrete preventive and control measures to stop the flow and reduce criminal access to contraband products. Smuggling is a plural form of economic crime because the literature on smuggling reflects forms of crime that, while all part of economic relationships or activities are very different from one another.

Like the UNODC studies on firearms (2015; 2020), Bamba's study in his 2016 book identified seizures as the most tangible point of information collection

for authorities, such as identifying the means of access to resources (supply of production/storage spaces, workers, and materials, etc.), but also highlighting the impact of smuggling and trafficking on the local and national economy. Improved data collection protocols related to seizures would offer many benefits to the fight against smuggling by providing important information regarding the criminal circumstances or context, the origin/destination of direct perpetrators, and the identification and/or location of other criminal players internationally. A better understanding of the nature and magnitude of illicit trafficking flows in Abidjan would facilitate the design of concrete prevention and control measures aimed at reducing criminal access to contraband and where it is stored and transferred.

CONCLUSION

The intersection of illicit arms manufacturing and sales with other forms of smuggling, trafficking and crime makes smuggling difficult to combat. Bamba's (2016) study concludes illicit smuggling techniques in Abidjan mainly boil down to a few methods, including camouflaging as, or among, legal goods, as well as false declarations to customs and false identification of the importer/exporter. Individual seizures represent the best vantage point for authorities to gather information, such as origin/destination of goods, criminal context, impacts on local and national economies, and to uncover local, national and international relationships, facilities, and networks. Côte d'Ivoire has intensified its efforts to gather information on how smuggling is conducted and the impact of sanctions under the Ivorian customs jurisdiction. But a fuller picture will be needed to stop the two-way flows, which are much larger than research shows.

The good news is that smugglers are finding it harder to evade justice in Côte d'Ivoire. This means that false declarations, name changes, etc. are increasingly detected and the perpetrators brought to justice. 120 people prosecuted for a smuggling offense in Côte d'Ivoire were convicted from 2017 to 2020, including 2 minors. Half of those prosecuted in criminal court were subject to the lengthy summons procedure, which means that a significant proportion of those apprehended (2017-2020) during the author's investigation have not yet been tried.

Rather than attracting scorn, pity, hatred or condescension, smugglers or economic criminals now seem to be misperceived as Robin Hood

figures, which can lead to public understanding and complacency, and even signs of approval and admiration. Smuggling is often not 'newsworthy' because it is unspectacular, an intangible threat and difficult to combat. This crime, which used to make the headlines, has not been in the spotlight for at least twenty years and is no longer the focus of the United Nations and the Council of Europe as it was then. Coupled with the considerable socio-economic harm associated with smuggling, this gap evidences the need to revive international collaborative research on white-collar crime. ■

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Lutte contre la contrebande à Abidjan, Côte d'Ivoire (Afrique de l'Ouest)

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Cet article offre un aperçu descriptif d'une longue étude menée par l'auteur (Bamba, L. 2016) sur la contrebande dans le district d'Abidjan en Côte d'Ivoire. La contrebande représente un crime économique menant à multiples impacts sur la sécurité publique et se répercute sur les économies locales et nationales. Elle se croise avec d'autres activités criminelles. Ce croisement peut être une traite des êtres humains : le Trafic des enfants dans les champs de cacao cas de Soubré en Côte d'Ivoire, (Bamba, L. 2017; dans la production illicite de cacao et d'armes à feu par exemple. Tout cela rend la contrebande difficile à combattre. En basant sa démarche sur les études de l'ONUDC (2015) sur les armes à feu, Bamba vise à combler une lacune perçue dans la recherche sur les techniques de contrebande, les parties prenantes et l'impact économique local et national à Abidjan. Sa méthodologie comprend des données provenant de saisies et d'arrestations; l'observation directe; des entretiens/questionnaires structurés d'un échantillon représentatif de parties prenantes; la participation aux opérations douanières; et des examens de l'impact économique. M. Bamba demande que l'on se concentre davantage sur les investigations et la recherche sur les saisies. Au demeurant, qu'on examine les droits et taxes de douane légalement appliqués en Côte d'Ivoire ainsi que les taux d'investissement dans les biens publics pour s'inscrire dans le cadre des objectifs du développement durable.

Les hommes considèrent que toute quantité de vertu est suffisante, mais la richesse, les biens, le pouvoir, la réputation et toutes les autres choses de ce genre, ils cherchent à les dépasser sans limite.

– Aristote

La contrebande touche toutes les régions du monde et entraîne des répercussions multiples sur les sociétés. Menace pour la sécurité publique et pour les économies locales et nationales, la contrebande est au cœur des préoccupations des législateurs en Afrique de l'Ouest. Les crimes liés à la contrebande s'accompagnent de violence, comme des homicides aux frontières ou des règlements de compte, ce qui augmente la demande pour la contrebande d'armes à feu. Le type de contrebande et les techniques de contrebande varient considérablement en fonction des contextes géographiques et socio-économiques.

La capitale de la Côte d'Ivoire, Abidjan, est composée de 13 communes et compte plus de

6 millions d'habitants (Recensement Général de la Population et de l'Habitat (R.G.P.H, 2014). Le district d'Abidjan est le centre économique de la Côte d'Ivoire, accueillant plus de 70 % de l'activité économique et abritant la plupart des corridors routiers transfrontaliers. Le district Abidjanais soutient l'intégration économique régionale de l'Afrique de l'Ouest dans la mesure, entre autres, il réduit la pauvreté en augmentant l'accès aux marchés et aux services sociaux. (Bamba L, 2016) a cherché à identifier les mécanismes de contrebande à Abidjan, c'est-à-dire l'intersection avec d'autres types de crimes, et la part de l'inégalité sociale. L'étude visait également à identifier les principales parties prenantes et à cartographier les liens entre elles. Ces démarches sont essentielles pour identifier les points d'approvisionnement, les ressources (humaines, espace de production, approvisionnement, etc.) et aussi pour estimer les répercussions locales sur les fabricants, les grossistes, les semi-grossistes, les détaillants

et les vendeurs de rue, et les membres de la communauté, en particulier les jeunes, en général.

L'étude de Bamba a inclus la population cosmopolite des Ivoiriens, des étrangers de la Communauté économique des États de l'Afrique

de l'Ouest (CEDEAO), des Libanais-Syriens et des Français pour la plupart mais aussi d'autres ressortissants. L'étude n'a pas eu pour objectif d'estimer l'étendue ou la valeur du marché illégal à Abidjan car les données disponibles sont trop sporadiques pour soutenir une telle estimation. Les techniques de collecte de l'étude ont combiné la recherche bibliographique avec des enquêtes de terrain (entretiens semi-structurés et questionnaire) et l'observation directe sur les corridors routiers transfrontaliers d'Abidjan et à la douane. Cela consistait à se rendre aux entrées des routes pour observer le trafic et à travailler avec les douanes aux principaux check points.

Les entretiens ont été réalisés lors de visites de terrain avec des acteurs des douanes, de la police et des forces armées (gendarmerie) de Côte d'Ivoire. Ces institutions sont les organes chargés de la lutte contre la contrebande et les activités économiques associées autour du trafic d'armes à feu aussi. De manière significative, sur 120 répondants contrebandiers, 75% des témoignages ont identifié la technique de camouflage des marchandises, telle que la dissimulation parmi des marchandises légales traversant les frontières. L'utilisation associée de fausses déclarations et la falsification de l'identité, soit pour rendre impossible la traque de l'auteur, soit pour éviter que les casiers judiciaires n'éveillent les soupçons des douanes. La majorité des personnes interrogées ont déclaré avoir recours à la dissimulation et aux fausses déclarations tant à l'importation qu'à l'exportation, même si un nombre important d'entre elles contournaient tout simplement les points de contrôle douaniers.

En vertu de l'article 218 du Code des Douanes de Côte d'Ivoire, la forme de pénalités financières émises par l'Administration des Douanes dans 70% des cas est la transigeance. Les 30% restants sont des sanctions pécuniaires et des mises en examen. Bien que les sanctions financières soient

Contraband affects all regions of the world and has multiple repercussions on society.
– Bamba, Ladji (2016)

conçues pour réduire le profit de la contrebande, elles ne fonctionneront que si la majorité des contrebandiers sont arrêtés. Plus le taux des droits et taxes est faussé, plus est élevé le potentiel de profit des contrebandiers. Si les principaux intéressés ne se font pas prendre, l'opération se réorganisera.

Les droits de douane et les taxes élevés rendent parfois le commerce légal irréalisable, ce qui ouvre la voie aux contrebandiers. En fait, les conclusions de Bamba indiquent que la contrebande de biens autres que les armes à feu serait largement dépassée si ces questions étaient résolues :

Ma présence [Sylvie] dans la contrebande est justifiée par le fait que les droits de douane et les taxes imposées par la loi sont surestimés, ce qui réduit considérablement mes marges bénéficiaires, il est donc difficile de me conformer à la loi au risque de me ruiner. D'autre part, je reconnais [Sylvie] que si les droits de douane et les taxes étaient raisonnables, la majorité d'entre nous, contrebandiers, serait prête à commencer à faire les choses légalement, bien que je sois consciente que malgré tous les efforts de l'État pour améliorer les droits de douane et les taxes, certains parmi nous continueront à s'engager dans cette activité illégale [Témoignage, Sylvie]. (Bamba, 2016)

Pour les jeunes d'Abidjan, la pauvreté et le manque d'accès aux biens publics que sont l'éducation et les soins de santé peuvent rendre le recrutement dans des opérations de contrebande tentant, voire le considérer comme une option de survie. Les efforts de la Côte d'Ivoire pour contrer cet aspect du problème comprennent l'investissement dans des infrastructures de biens publics pour combattre la pauvreté, comme davantage d'écoles, d'hôpitaux et d'industries pour aider à mettre des alternatives positives à portée de main, comme des opportunités d'emploi dans les écoles et les hôpitaux par exemple. Les investissements dans les capacités de transformation de la Côte d'Ivoire en matière de coton et de noix de cajou peuvent offrir de nouvelles opportunités et de l'espoir.

Depuis 2017, on observe une augmentation notable des produits d'analyse et de recherche sur la contrebande, plusieurs initiatives gouvernementales visant à renforcer les capacités, les outils et les mécanismes nationaux de collecte de données sur le trafic, et une augmentation



considérable du taux de réponse au questionnaire. (Près de 40 % par rapport à l'exercice 2017 réalisé par les douanes ivoiriennes). Dans l'ensemble du pays, relativement plusieurs de fournitures frauduleuses ont été saisies en 2017-2019. Cependant, les lacunes existantes encore dans plusieurs départements douaniers. Les difficultés signalées dans la détection des flux de trafic illicite permettent de conclure que ces quantités ne sont probablement que la partie émergée de l'iceberg, car des quantités plus importantes de marchandises illicites sont en circulation et restent non découvertes et non signalées.

Des efforts supplémentaires sont nécessaires pour améliorer le renseignement sur le trafic dans le district d'Abidjan. Par exemple, examinant de plus près les contextes criminels (produits, intersection avec d'autres activités criminelles et portée internationale) de chaque saisie et la localisation des produits du trafic afin de mieux comprendre la nature et l'ampleur des flux de trafic illicite et de concevoir des mesures concrètes de prévention et de contrôle pour arrêter le flux et réduire l'accès criminel aux produits de contrebande. La contrebande représente un ensemble d'actes criminels économiques au pluriel, car les écrits recueillis dans ce contexte rendent compte de formes de délinquance qui, si elles s'inscrivent toutes dans le cadre de relations ou d'activités économiques, sont très différentes les unes des autres.

Comme les études de l'ONUDC sur les armes à feu (2015; 2020), l'étude de Bamba dans son ouvrage paru en 2016 a identifié les saisies comme étant le point le plus tangible de collecte d'informations pour les autorités du district d'Abidjan, comme l'identification des moyens d'accès aux ressources (fourniture d'espaces de production/stockage, de travailleurs et de matériaux, etc.), mais aussi la mise en lumière de l'impact de la contrebande et du trafic sur l'économie locale et nationale. L'amélioration des protocoles de collecte de données liés aux saisies offrirait de nombreux avantages à la lutte contre la contrebande en fournissant des informations importantes concernant les circonstances ou le contexte criminel, la provenance/destination des auteurs directs et l'identification et/ou la localisation des autres acteurs criminels sur le plan international. Une meilleure compréhension de la nature et de l'ampleur des flux de trafic illicite à Abidjan faciliterait la conception de mesures concrètes de prévention et de contrôle visant à réduire l'accès

des criminels aux produits de contrebande et aux lieux de stockage et de transfert de ces produits.

CONCLUSION

L'intersection de la fabrication et de la vente d'armes illicites avec d'autres formes de contrebande, de trafic et de criminalité rend la contrebande difficile à combattre. L'étude de Bamba (2016) conclut que les techniques de contrebande illicites à Abidjan se résument principalement à quelques méthodes, notamment le camouflage en tant que marchandises légales ou parmi celles-ci, ainsi que les fausses déclarations aux douanes et la fausse identification de l'importateur/exportateur. Les saisies individuelles représentent pour les autorités le meilleur point d'observation pour recueillir des informations, telles que provenance/destination des marchandises, le contexte criminel, les impacts sur les économies locales et nationales, et pour découvrir les relations, les installations et les réseaux locaux, nationaux et internationaux. La Côte d'Ivoire a intensifié ses efforts pour recueillir des informations factuelles sur la manière dont la contrebande est pratiquée et sur l'impact des sanctions relevant de la juridiction douanière ivoirienne. Mais une vision plus complète sera nécessaire pour mettre un terme aux flux à double sens, qui sont bien plus importants que ne le montrent les recherches.

La bonne nouvelle est que les contrebandiers ont plus de mal à se soustraire à la justice en Côte d'Ivoire. Ainsi, les fausses déclarations, les changements de nom, etc. sont de plus en plus souvent détectés et les auteurs traduits en justice. 120 personnes poursuivies pour un délit de contrebande en Côte d'Ivoire ont été condamnées de 2017 à 2020, dont 2 mineurs. La moitié des personnes poursuivies devant le tribunal correctionnel ont fait l'objet de la longue procédure de citation, ce qui signifie qu'une proportion importante des personnes appréhendées (2017-2020) au cours de l'enquête de l'auteur n'a pas encore été jugée.

Plutôt que d'attirer sur eux le mépris, la pitié, la haine ou la condescendance, les contrebandiers ou les délinquants économiques semblent aujourd'hui perçus à tort comme des figures de Robin des Bois, ce qui peut susciter compréhension et complaisance dans l'opinion publique, voire des signes d'approbation et d'admiration. La contrebande n'est souvent pas «digne d'intérêt»

parce qu'elle n'est pas spectaculaire, qu'elle constitue une menace intangible et qu'elle est difficile à combattre. Ce crime, qui faisait autrefois la une des journaux, n'est plus sous les feux de la rampe depuis au moins vingt ans et ne fait plus l'objet d'une attention particulière de la part des Nations unies et du Conseil de l'Europe comme à l'époque. Si l'on ajoute à cela les préjudices socio-économiques considérables liés à la contrebande, cette lacune met en évidence la nécessité de relancer la recherche internationale collaborative sur la criminalité en col blanc. ■

RÉFÉRENCES

Veuillez référer à la version anglaise de cet article pour les références.

Transformative Justice: Decarceration and Other Goals of Transformative Justice

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In this report on transformative justice, co-authors Aidan and Arthur Lockhart fathom a vicious cycle of systemic violence and public discontent, often accompanied by cries for change and bureaucratic solutions that seem to maintain the status quo. Logics of domination prevail in the Canadian context; yet the greatest remedy to harmful behaviour is a healthy community. Lockhart and Lockhart suggest that Restorative Justice initiatives are a step in the right direction, but that Transformative Justice is needed to repair the social, economic, and political conditions that both are, and cause, harm.

It's fashionable to consider our justice system at a crossroads. One road leads to transformation, the other, to preservation. But we are not at a crossroads. We are caught in a vicious cycle that by now ought to be quite familiar. First come the 'shocking' revelations of systemic violence. The pundits wonder, aghast, 'How did we get here?' To calm public discontent, politicians and bureaucratic functionaries establish institutional review boards, parliamentary inquiries, and independent investigations promising answers. Finally, an assessment: "Change is needed." Every so often, the issue fades from the headlines. And then, it comes roaring back. Like all cycles of abuse, it begins anew. It doesn't matter whether it is police violence in the street or human rights violations behind bars; the cycle always begins anew. It begins anew because the violence captured on camera, or 'leaked' by insiders, is just that, a leak - a small trickle through a crack in a levy concealing a massive reservoir of systemic violence - and our response is only ever to patch the leak. Never to destroy the dam.

WHAT DOES IT MEAN TO SAY, 'WE HAVE ALWAYS BEEN HERE'? WHERE, IN FACT, ARE WE?

Ultimately, this cycle continues because the question itself is always already flawed. "How

did we get here?" This question produces two discursive effects. It constructs specific moments of violence as aberrations, and it constructs the system as fundamentally redeemable - sitting on fundamentally just foundations. Both constructions are false. We've always been 'here.' We are at the heart of a social, political, and economic constellation that privileges social control over social cohesion; markets over livelihoods; competition over connection; consumption over conservation; and control over collaboration. We are inside this paradigm - overwhelmed by its rationales of domination. From here, we all can easily observe the ever-deepening, ever-expanding states of alienation from Self, Other, and Nature.

SYSTEMIC VIOLENCE AND COLONIAL RATIONALES FOR DOMINATION

Our so-called criminal 'justice' system is - and has always been - at the nexus of this constellation. Our modern police force disproportionately arrest, convict and incarcerate people from a growing number of racialized populations. The RCMP (originally the North-West Mounted police) lead state-building missions focused on land and resource acquisition, and the denial of Indigenous sovereignties, and as such, were central to the

constitution of Canada as a White nation (Bell and Schreiner 2018). Indeed, they remain the body to offset Indigenous resistance by arresting Indigenous land defenders fighting, once again, against the opening of Indigenous territories to environmental exploitation. In Canada as elsewhere, police have been mandated to respond to ‘social disorders’—the indigent, the unhoused, and the mentally unwell—deemed to threaten the State. This function, as well, remains relatively stable. Police continue to manage the social and economic insecurity created at the bottom of the class structure under neoliberal policy (Wacquant 2001, 2008a, 2008b, 2012).

So, here we all are – unable to escape. Privatization, marketization, social-economic deregulation, employment restructuring, and the erosion of public goods (education, public health, social security, wellness assistance, and housing) produces profound social disorder and insecurity. Under the logic of domination, social problems (e.g. homelessness, poverty, addictions, mental health, abuse) become criminal problems; and the retributive penal state adjusts its juridical-carceral apparatus to manage those problems, at tremendous social cost.

RESTORATIVE JUSTICE: THE FIRST WAY OUT

The Canadian Restorative Justice movement started almost forty years ago, and programs are now supported through federal legislation, policy and program responses. RJ was complemented in 1991 with the creation of Canada’s Aboriginal Justice Strategy, now known as the Indigenous Justice Program, aiming to involve communities in the administration of justice by supporting community-based justice initiatives through grants or contributions (Department of Justice n.d.; Flemming 2015). However, Restorative Justice (and its related practices: family group conferencing; victim offender mediation; and circles) is not without issue. It has been thoroughly critiqued for both its susceptibility to state cooptation and its net-widening effects (capturing activities and people that would otherwise be considered insignificant by the conventional model) (Woolford 2009; Woolford and Ratner 2003, 2010). As well, State-led RJ often reaffirms a neoliberal logic by downloading responsibility onto the individual without addressing the unrestored conditions into which ‘restored’ offenders often return.

ANOTHER WAY OUT: TRANSFORMATIVE JUSTICE?

In many ways, Transformative justice (TJ) is an extension of Restorative Justice. Reaching beyond victim/offender relations to community concerns, TJ closely recalls Indigenous peacemaking principles that view harm as the result of social imbalance, and propose community repair and reconciliation as the solution. In this way Transformative Justice resembles transitional justice measures implemented following genocides or other widespread rights violations as a means of repairing widespread social harm. Accordingly, “Transformative Justice is considered a political framework and approach for responding to violence, harm and abuse. At its most basic, it seeks to respond to violence without creating more violence and/or engaging in harm reduction to lessen the violence” (Mingus n.d.).

Transformative Justice may feel impractical, even ineffable. And indeed, it remains indeterminate precisely so that it can be mobilized by communities to fit their local and historical context. Nevertheless, we can articulate important guiding principles. Primarily, TJ challenges sources of harm. According to the Sexual Assault Centre of Edmonton, “TJ aims to transform the conditions that enabled the harm, at the same time as facilitating repair for the harm, by cultivating accountability, healing, resilience and safety for all. TJ works from the assumption that ending sexual violence can only be possible if root causes, such as misogyny, White supremacy, ableism, heterosexism, cis-sexism, poverty, and trauma are addressed” (The Sexual Assault Centre of Edmonton n.d.).

Additionally, TJ emphasizes non-punitive responses directed by the community, rather than the state. According to Rittenhouse, TJ “work(s) towards a non-carceral, accountable and just society that promotes government responsibility, community accountability, care for all members of society and the resolution of conflicts and social harms without resorting to exclusion and punishment” (Rittenhouse n.d.-b) The Toronto Transformative Justice Collective also uses TJ to “address harms, build skills & increase community capacity for addressing violence or harm without relying on punitive justice” (Rittenhouse n.d.-a). Perhaps the most operationalized vision for TJ comes from the common Justice project in New York City, which focuses on survivor-centered, accountability-based responses to harm/violence that are safety driven and racially equitable (Common Justice n.d.).

FINAL THOUGHTS

Ultimately, the greatest security against harmful behaviour is a healthy community. As Common Justice puts it, “community is what keeps us safe; Not prisons”.

Community is the interconnectedness of everything. No living organism in the universe survives outside a set of relations. No human is an island. Community and relationships are central to the human experience. It's impossible to fulsomely explain why people cause harm without considering the absence of healthy life-affirming relationships. By and large, harm can be traced back to the denigration, deterioration, and ultimately the neglect of relationships: to ourselves, each other, our labour, our land, and our social systems.

Harm prevention requires social and economic restructurings that target conditions which simultaneously are, and create, harm: heterosexist-patriarchy, ablism, White supremacy, colonialism; insecure housing, unlivable wages, addiction, mental health conditions, and indeed, punishment itself. Of course, we can radically reduce harm by reducing the social conditions which perpetuate it; but there's no reason to believe such restructuring will eliminate harm altogether. Nevertheless, TJ responds – far better than retributive justice – to victimization by supporting healing and repair. It can also delimit further harm using non-punitive prevention models – even if that requires some form of institutionalized incapacitation (Pratt 2007).

Transformative Justice imagines all of this, while carceral expansion and police militarization obstruct the development of healthy community (Clear 2007) by ripping families apart and destroying support systems. As such, we desperately need to abolish the politics of dominator systems and usher in the era of transformative justice. Indeed, abolition may well be the answer. Of course, abolition doesn't mean dismantling carceral apparatuses overnight – but instead – building the type of society in which these apparatuses aren't needed in the first place. ■

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RÉSUMÉ

Transformative Justice: Decarceration and Other Goals of Transformative Justice

AIDAN LOCKHART ET ARTHUR LOCKHART

Aidan Lockhart – doctorant en sociologie à l'Université de Guelph, il étudie la culture de la sanction chez les policiers.

Arthur Lockhart – M.Ed., fondateur émérite, The Gatehouse (Toronto).

Dans ce rapport sur la justice transformatrice, les coauteurs Aidan Lockhart et Arthur Lockhart, dénoncent l'affirmation selon laquelle notre système judiciaire est à la croisée des chemins. Selon eux, nous avons amorcé un virage à plusieurs reprises et sommes pris dans un cercle vicieux de violence systémique et de mécontentement public, suivi d'appels au changement et de solutions bureaucratiques qui semblent maintenir le statu quo. La logique de la domination prévaut dans le contexte canadien; pourtant, le meilleur remède aux comportements nuisibles consiste à créer une communauté saine. Les deux auteurs signalent que les initiatives de justice réparatrice représentent un pas dans la bonne direction, mais qu'il faut se tourner vers une justice transformatrice pour réparer les conditions sociales, économiques et politiques qui sont néfastes et sont à l'origine de problèmes.

STUDENT BOOK REVIEW SECTION with Review Editor, Dr. John Winterdyk

Reviews are published in the language submitted / Les recensions sont publiées dans la langue soumise.

The River of Tears

Robert Christmas | New York: DIO Press Inc. 2021. 139 p.

REVIEWED BY CATHARINE PANDILA

BA/MA Student, Criminal Justice, Mount Royal University, Calgary, Alberta

The River of Tears is an easily digestible and engaging novel, highlighting personal challenges an Indigenous family faces experiencing loss and their engagement with the criminal justice system. Authored by Bob Christmas, Ph.D, MPA, BA, with 35 years of law enforcement experience.

Set in the Canadian prairies, this novel explores the journey of three key characters, the first being a young Indigenous girl named Dani Taylor. Dani poignantly narrates her vulnerabilities and strengths in the face of racial adversity and family trauma, emerging as an inspiration to those who have been afflicted by poverty, abuse, neglect, and social marginalization. The character of Dani represents resilient Indigenous youth, and through the support of a stable grandmother, Dani finds her power when navigating the gap between Indigenous and western culture.

The second character of focus is Detective Jack Bondar. Jack is a hard-working and conscientious police officer who is promoted to the position of Detective in the Missing Persons Unit. Through this promotion, Jack oversees an active missing persons' file, which is a case he attended two years prior. The case involves a missing Indigenous girl, Ali Taylor, who was a runaway but whose disappearance remains a mystery. With a renewed sense of responsibility and understanding, Jack begins to realize how his bias and racism may have contributed to the mishandling of Ali's disappearance.

Ali Taylor, the third character of focus in the novel, is Dani's missing sister and a suspected victim of human trafficking. Ali's circumstances symbolize the embedded oppression of Indigenous people in Canada and represent those Indigenous women and girls who are missing or murdered. The reason for Ali's disappearance, although speculated, is sadly never realized.

Christmas' focus on intergenerational trauma and the impact of socio-economic inequity is vivid throughout his novel, giving readers a poignant view of the multitude of issues faced by Indigenous families that find themselves needing to access the criminal justice system. Also on display in this novel are the systemic obstacles introduced during colonization and still faced by Indigenous peoples, such as marginalization, violence, abuse, over-representation, under-policing, mistrust in authority, stereotyping, racism, discrimination, poverty, oppression, and unsafe living conditions.

The impact of alienation is ever-present in Christmas' novel, with the main characters experiencing a disconnect between their Indigenous culture and Western values. One's responsibility to two cultures, a weighty burden to understand, is felt in Christmas' writing. This cultural tug-of-war is palpable throughout the novel, one example being when Dani describes that education is essential but does not see how it leads to opportunities (p. 14). The omniscient narrator also

voices this dichotomy: “She [Dani] is also conflicted as she feels she is not part of the traditional spiritual world or fully in the white one.”, and that “Dani is a troubled soul because she doesn’t know in her heart where she belongs.” (p. 29).

Christmas writes that the tears of those involved in the inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) are considered sacred (p. 124). Tying in the novel’s title, the discussion of tears is metaphorically described as a river filled by the tears of those whose bodies have been discarded and the tears of the families who search for their loved ones. This commentary transcends racial boundaries in *The River of Tears* by immersing readers in these highly relatable words.

Another main emphasis in the novel is a portrait of human trafficking in Canada. Human trafficking, enveloped within the storyline of *The River of Tears*, is as omnipresent as the river. Readers are moved to understand how a situation’s seeming simplicity can mask reality. The complexity of human trafficking is framed in Christmas’ novel within the context of the missing and murdered Indigenous women in Canada, making it easier to understand the concepts and appreciate the crime’s prevalence and severity. Using real-world scenarios, Christmas brings these issues to life to make them real for readers to envision.

As a novel, *The River of Tears*, does not offer in-depth scholarly accounts of human trafficking and victimization. Nevertheless, the novel succeeds in enlightening readers on the circumstances of human trafficking and missing and murdered Indigenous women and girls in Canada while also highlighting how over-worked and under-funded policing can unavoidably lead to systemic errors. Given the author’s vast experience in policing and human trafficking, this novel speaks to Christmas’ expertise on these topics, providing detail supported by his experiences.

The River of Tears offers a broad understanding of the plight of Indigenous communities in western Canada, and its intersectionality with human trafficking and social ideas about Indigenous culture and prostitution. *The River of Tears* provides an empathetic, engaging and relatable step towards understanding.

This novel would benefit from a more fulsome editing process if offering one critique. Although

not detracting from the overall message, editorial errors were a distraction. ■

RÉSUMÉ

RECENSION DE LIVRE

The River of Tears

Par Robert Christmas

New York, DIO Press Inc., 2021, 139 p.

PAR CATHARINE PANDILA

Étudiante B.A./M.A., justice pénale

Mount Royal University, Calgary, Alberta

JUSTICE

ACTUALITÉS - REPORT

IN THE NEXT ISSUE / DANS LE PROCHAIN NUMÉRO

Special Issue on Indigenous and Racial Justice

GUEST EDITOR, DR. VICKI CHARTRAND
Bishop's University, Sherbrooke (Quebec)

Dr. Vicki Chartrand, Associate Professor of Criminology at Bishop's University in Sherbrooke (Quebec), is a Canadian criminologist researching the intersections of criminal and social justice—and founding member of the Justice Exchange Research Centre (a collective uniting diverse criminal justice stakeholders including those who are or have been incarcerated). In this Special Issue of the *Justice Report* (37.3), Dr. Chartrand presents a deeply critical cross-disciplinary and cross-national look at racial justice, linking histories of Black slavery and Indigenous genocide to the cascading impacts of anti-Black discrimination and socio-economic and political-geographic exclusions of Black, Brown and Indigenous Peoples. This Special Issue on “Indigenous and Racial Justice” features an Editorial by Dr. Vicki Chartrand and articles by national and international justice stakeholders including formerly and currently incarcerated people along with a series of original paintings by Abenaki artist, Mamijo (Papillon Lune) with descriptive texts of the ongoing colonial violence.

REFERENCES

Vicki Chartrand - Status of Women Committee on Dec. 7th, 2017
openparliament.ca/committees/status-of-women/42-1/83/prof-vicki-chartrand-1/

Spotlight on Vicki Chartrand, a criminologist of Bishop's Sociology Department
www.ubishops.ca/about-bu

Social Sciences and Humanities Research Council (SSHRC). (2022). Dr. Vicki Chartrand, along with co-investigators Dr. Genner Llanes-Ortiz and Dr. Alex Miltsov, received a Race, Gender and Diversity Initiative grant for the Unearthing Justices Partnership (UJP) to digitally map and showcase Indigenous Grassroots Resources and Supports for Missing and Murdered Indigenous Women, Girls, and Two-Spirit+ (MMIWG2S+) People project.

Fonds de recherche du Québec. (2022). Recipient of a Société et culture grant, Dr. Chartrand's research into work being undertaken by the families and communities of missing and murdered Indigenous girls and women continues. Spurred by the lack of concrete national action and being conducted without formal supports and resources, this important work adheres to the TRC Recommendations and is bringing traditional justice ideologies to the fore.



Kita Nia Écoute-moi Listen to Me

PHOTO CREDIT: The Artist [Mamijo (Papillon Lune) / Kurt Nicholas Rougier]

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